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THE GROWTH OF POLITICAL  
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ENGLISH HISTORY · EDITED BY  
ERNEST RHYS

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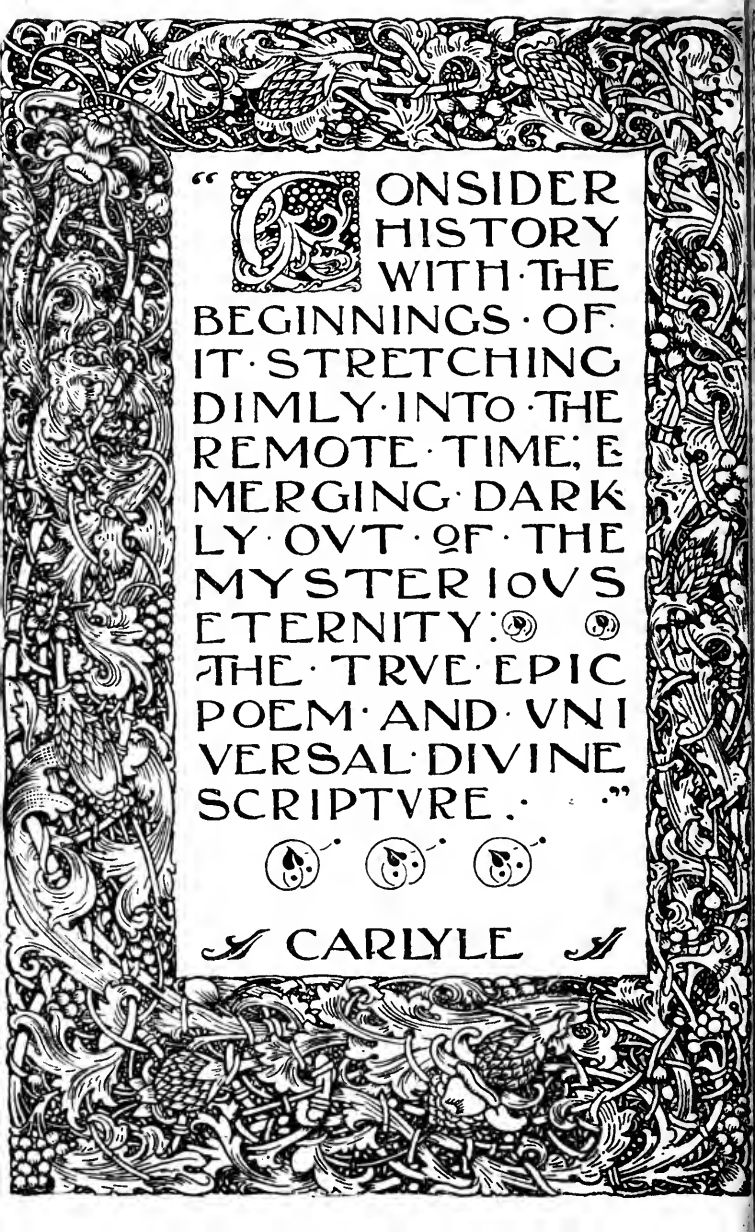


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*∫* CARLYLE *∫*



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*The* **GROWTH**  
*of* **POLITICAL**  
**LIBERTY**  **A**  
Source Book of  
**ENGLISH HISTORY**  
*Selected & Edited*  
*by* **ERNEST RHYS**



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## INTRODUCTION

THE main idea in this history-book is to trace the slow political growth of the common folk, from the folk-right assigned in the old "Dooms" of Alfred and Edgar, to the fuller liberty given them by the "Acts" of Parliament in our time. It is a long record, covering many of those notable great events which Caxton said ought "most to be remembered among us English men"; but giving also from first-hand sources, or from the chroniclers and historians, a rough chart of our common rights and privileges, "as by law established." Along with them, and in part arising out of them, we gain a sense of the faith of the people in their country and in their true governors who could ordain like Edgar: "This is what I will—that Every Man be worthy of folk-right, poor and rich alike, and that righteous dooms be judged to him."

In the same spirit Alfred decreed that English history should be truly set down in an English book. Thus, law by law, record by record, the prescriptive right of the folk to safe-conduct in their life and work, and to justice at the hands of their rulers and governors, is asserted and reasserted. History, so understood, is the secular bible of each race, though only one race may have had the divine idea. It is, as we find in the *Polychronicon*, "a perpetual conservatrice" of the things done before this present time, both the things which were to be desired, and the things to be eschewed. It has a forward office too, as recognising in each predicament of the race a sign of its true political destiny—one associated with its island condition, and sea-bound and sea-enlarged limits. The islands bred a notable people, already showing a marked bias and stout temper, before any Angle or Saxon had landed. We read in Tacitus that they would bear cheerfully "the service of government," if they were not ill-treated. For their subjection ran to obedience, but not to servitude. The same character is

implicit in the dooms we have quoted and in Canute's law and his letter in the text. The Domesday Survey might, it is true, be held to tell a tale of a whole country's systematic subjection by the strong hand. But in the year after it was made, we find the custom of the country again affirmed in the moot of the Witan or wise-men and the landholders, that William I. held at Salisbury. The first charter of the City of London followed, and declared every citizen law-worthy, whom the king would let no one wrong.

In the Anglo-Saxon Chronicle we have the word of the man who was put upon and oppressed by the Norman advener; and in it we realise how the Saxon stem, and the Norman graft, alike went to strengthen the English feudal system. The century's struggle between the kings and the old nobility followed, ending with the last stand of the Norman barons against Henry II. The career of Thomas à Becket, who had the instinct of a fighting baron rather than of a saint, and who stood up armed for spiritual liberty, makes the decisive comment on this time. It is interesting to compare him with John Ball. One of Becket's last words was: "God's house shall be denied to no man"; while Ball said: "Now the time is come, appointed by God, in which ye may (if ye will) cast off the yoke." We see that in different ways they were moved by the same militant idea.

Pass now to a very solid staple landmark in the English scene—London, whose first Commune, as it was called—*Communa Regis*—was, curiously enough, set up by law, while the king, Richard I., was on crusade and out of London and the kingdom. Stubbs leads us to view this incorporation of London as marking two significant changes: (1) the victory of the communal principle over the old shire organisation, and (2) the triumph of the London merchant over the noble. That was in the years 1191-1200; and already the law had let in the common man as a judicial asset in the jury ordered in criminal cases by the Assize of Clarendon.

The Great Charter follows, with its remedy of feudal abuses, and its special provisions for the safeguarding of the tenant, the heir at law, the king's labourer and the common man. "No man," it said, "is to be put in prison,

outlawed, punished or molested, but by the judgment of his equals, or by the law of the land." But most of us, reading doubtfully backwards, do not realise how far the Great Charter was prepared for by the civil charter given to the citizens of London by Henry I. ". . . The said citizens shall take as Sheriff whom they will of themselves,—and none other shall be justice over them; . . . and the citizens of London shall not plead without the walls of London for any plea. And be they free from scot and lot and danegeld, and of all murder, and none of them shall wage battle."

We see by this document that the Man of London is a freeman, with a peculiar privilege, who can free himself by his oath in his own domain. He is a pioneer, though locally and in a degree selfishly, of the greater citizenship to come.

We pass on to Oxford, in the days of the no-king, Henry III., in the "Mad Parliament," when the hard struggle of Simon de Montfort took form. And we note that in the two bodies of the Fifteen and the Twenty-four, set up by the Provisions of Oxford, we have a link between the Witenagemot and the Lords and Commons to come. Six years again, and the Council of the Fifteen is turned—with De Montfort's hand in the conversion—into the Council of Nine. To the mean king succeeds the strong, in Edward I., in the latter half of whose reign we have the first complete Parliament of the Three Estates. With that we reach a point when the liberties of the Commons are yet more decisively marked off, taking up the prescriptive right given long before to the folk under the Saxon king. "In all parliaments and assemblies which should be made in the realm of England for ever"—so runs the provision (7 Edward I., 1279)—"Every-man shall come without all force and armour, well and peaceably to the honour of us and the peace of our realm."

In the year of that Parliament, 1295, the summons sent to the barons by the king to bid them repair to Westminster, "for considering, ordaining and doing," as may be needed to meet the dangers, "which in these days are threatening"; and the summons sent to the shires and towns—two knights, two citizens, two burgesses—read very significantly to us. They show that the country and

the realm were not fair-weather craft then, any more than nowadays; and that they needed good governing, and the collective sense and conscience of the best brains, to keep the king in countenance. All these prescripts and documents bear a double reference—to the mind of the men, noble or common, who were aware of their liberty, and to the mind of the king who had, in all his wish for autocratic power, to reckon with their consciousness of their legal claim to be delegates and agents of the community at large. This powerful sense of "just, ancient and fundamental rights," as a much later royal document, that was not strictly followed, has it, viz. the Declaration of Breda, is indeed like the red thread in the cloth of the commonwealth, which was sometimes covered up but never altogether lost.

In the York and Lancaster vendetta, we are able to mark the reaction of two forces which are far more vital in the realm than the play of those two royal factions. Hall's *Chronicle* offers us a memorable account, keenly delivered, which shows us how parliament could be used and abused, and made an instrument by either faction. In one year, 1454, Richard, Duke of York, is given by the Parliament at Coventry a limited protectorate; in the next year, the Westminster Parliament declared the previous one "a devilish council, only celebrate for the destruction of the nobility." Moreover—and here comes in the real damnatory clause, over the old rights to open council, the very principle of the folk-moot—it was declared "no lawful parliament, because they which were returned according to the due order of the law were secretly named by them that desired more the destruction, than the safeguarding, of the public wealth."

Meanwhile, to take the real feeling of the commonwealth, we have often to turn back to the people themselves, and to those who found Parliament too slow and official—too much an instrument of those in power—for their needs. We have Jack Cade putting up his head between the Red Rose and the White; we have the Pilgrimage of Grace; and we have the episode of a hero like Captain Pouch who in Shakespeare's time and shire starts up, a figure of trouble in an interlude of revolt. Among his followers we hear the

murmur of the religious non-contents, and the political have-nots, dying away in an angry unappeased grumble.

Captain Pouch has carried us a little, however, out of our commission. His resistance to authority was another result of the doings of another and greater, and indeed royal, rebel—Henry VIII., in whose reign came the Seven Years' Parliament, which was a step towards making it independent of the old yearly tenure confirmed by popular election. It first met in 1529, and it was in a degree Henry's weapon in his bold acts of rebellion and reformation. It passed the act disseizing the Pope in England; and gave the powers to dissolve the religious houses, great and small. In that Reformation, Cobbett saw only menace to the welfare and the rights of the common folk; and hard and bitterly he protested as a stout protestant against the Protestant Reformers, whose reforms made them rich even if they waxed more self-supporting and independent of foreign authority.

The paramount question affecting the rights, moral and spiritual, and in a degree political, of the English people, was centred from this time to the end of Elizabeth's reign in the religious struggle. There is something offensive in the Statute against Books in the year 1549 (3 Edward VI.). "Be it therefore enacted," it says, "that all books called antiphoners, missals, grailes, processionals, manuals, legends, pies, portuasses, primers in Latin or English, couchers, journals, ordinals, or other books or writings heretofore used in service of the Church, other than such as are or shall be set forth by the King's Majesty, shall be by authority of this present Act clearly and utterly abolished, extinguished, and forbidden for ever to be used or kept in this realm."

When one thinks how precious a book may become to its owner, who has had it in use for years, the tyranny this implies is not to be set aside because it was part of a Reformation that was declared by its prime movers a step towards religious freedom.

We cannot separate the autocratic temper of the great churchmen and others of the period from the temper of the Tudors themselves. It was heard from Henry VIII.; it was heard from Elizabeth in her reign and on her death-bed:

"I told you my seat had been the seat of kings, and I will have no rascal to succeed me." It was the growing feeling that "the rascal" was imminent, perhaps, which gave the House of Stuart a contrary bias so strong as to be dangerous, and in Charles I. fatal, to its assertors. The turn of the rascal came with a vengeance. James I. said that the king was the fount of all power—"the power flows always from himself." He was above the law, and above the voice of the Commons. Political psychology may teach us how inevitable then was the Petition of Rights in 1628, which reaffirmed "The Great Charter of the Liberties of England," and the rights, freeholds or liberties and free customs of the freeman under "the law of the land."

A tract of 1642, summing up the discontent of the common folk, puts a series of damaging queries about the non-compliance of the king with the articles in the Petition. Why, it was asked, was it violated by the imprisoning of sundry members of parliament which cost some of them their lives? Why were parliaments themselves put under a royal ban or inhibition? Why the levies of ship-money and coal-and-conduct money? Why the attempt to make all England a forest, and the people into "so many deer for Nimrods to hunt"? When Charles I., in refusing to plead before the High Court, quoted Ecclesiastes in reasserting the Divine Right: "Where the word of a king is, there is power; and who may say unto him, 'What dost thou?'" he was virtually putting the accent on the very words that were to decide his own fate.

Some years later, when the unlucky king had gone his way, the Agreement of the People, drawn up in January 1648-9; the forty-two articles of the Instrument of Government, December 1653, and the Petition of May 1657, supply a series of notable documents. In them, says Professor Carleton Lee, the further constitutional and political development of Great Britain and of the United States of America is directly or indirectly indicated. In spite of the too great insistence upon the authority of the Lord Protector, who at points seems to be taking over some of the prestige of his tragic royal inductor, the Instrument of 1653 is an expression, if not quite as Prof.



Lee says, a *type*, of "the highest development of constitutional theory" yet reached in English history.

With the Restoration, we have in the Declaration of Breda, wherein Charles II. wrote his princely profession, a significant compromise between the old royalty and the new: "Nor do we desire more to enjoy what is ours, than that all our subjects may enjoy what by law is theirs"; and again, for the enunciation of spiritual freedom: "We so declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matters of religion, which do not disturb the peace of the kingdom." It was in 1672 that the Great Seal—constitutional symbol of powers that gain a too strong official hold by unchecked use—first passed into the king's hands, and then was put into those of Earl Shaftesbury, with the title of Lord Chancellor of England. He to be sure was head of the "Cabal," and his family name, Cooper, gave the first letter to that new word of doubtful omen.

We do not always remember the somewhat paradoxical fact that under Charles II. we had in 1679 the great Habeas Corpus Act—"for the better securing the Liberty of the Subject," both at home and beyond the seas. It is of course a document intended for a special provision of justice to the subject who comes under the criminal writ, but its principle of liberty is clear; and where it failed, the Bill of Rights, twenty-one years later, and the Act of 1812 for "more effectually securing the Liberty of the Subject," made good the defensive structure.

The struggle for the same principle goes on, with some marked reactionary episodes, all through the Stuart time. It shifts again from the secular to the religious plane under the second James, who forgot the second Charles's promise in the Declaration of Breda. Rightly or wrongly, the instinct of the common folk rebelled against the greed-in-authority of King Stork, and reversing the fable, inclined instead to King Log. They could sit upon King Log, and that session was the real beginning of Constitutional Monarchy. It was in fact the next step towards the government by a people's Prince under the seeming of a Royal Republic.

We turn naturally to Burke for the final sanction of liberty assured, as he expressed it in his famous *Address to the King*, in 1777, which regarded the safeguard of freedom, in England and America, as interdependent and closely resting upon one and the same base. He spoke in it of the danger of the only substitute for civil liberty—"a military government"—and he spoke of the time of revolution when the people re-entered into their original rights. That was later than John Wilkes and No. 45 of *The North Briton*, which ended by quoting "the fine words of Dryden—Freedom is the English subject's Prerogative."

From that time onwards we are on more accustomed ground. We have a few more landmarks—the Emancipation Bill of 1829, whose backers supported their case by the appeal to the rights of citizenship and equal liberties before the law. The Jewish emancipation followed the Catholic, at a generation's remove; and the Oaths Act was passed in the same year, 1858.

Meanwhile the struggle for the first Reform Bill in 1831 led to the Chartist Petition of 1838, which was the natural rider to that bill. It left the people, the petitioners declared, "as helpless as before. Our slavery has been exchanged for an apprenticeship of liberty," which only meant hope further deferred. The repeal of the Corn Laws marks another economic crisis—to which the eloquence of John Bright and the plain good sense of Cobden gave effect. At this point too we are made aware that the voice of the folk-moot has gained a new vehicle in the newspaper-report, which reaches by quick circulation the whole available intelligence of the people.

The last pages of the record trace the events that gave the political chart of the nineteenth century its crowded detail and revision marks. The coming of the railways, the growth of the cities and seaports; the changes marked by the Franchise Bill of '84 and the Factory Act of '91, or by the Co-operative and Trade Union movements, and the various Education measures—these form a strange induction to the amazing catastrophe of the Great War. But even that may prove to be the means of a new awakening of the common political sense, leading to the sure belief that only by the collective intelligence of all the peoples upon

earth, determined on the greatest common measure of efficiency, civil right, good order, happiness and personal liberty, can the ancient folk-right asserted in the folk-moot be carried to its right human fulfilment.

E. R.

August 1921.

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# THE GROWTH OF POLITICAL LIBERTY

## PROEM

### HISTORY THE CONSERVATRICE

GREAT thankings, laud and honour, we meritoriously be bound to yield and offer unto writers of histories, which greatly have profited our mortal life; that show unto the readers and hearers what thing is to be desired and what eschewed. For those things which our progenitors, by the taste of bitterness, and experiment of great jeopardies, have enseigned, admonished and informed us, excluded from such perils, to know what is profitable to our life, and acceptable, and what is unprofitable and to be refused. He is, and ever hath been, reputed the wisest, which by the experience of the adverse fortune hath beholden and seen the noble cities, manners and variant conditions of the people of many diverse regions. For in him is presupposed the loose of wisdom of policy by the experiment of jeopardies and perils which have grown of folly in divers parties and countries. . . . History is a perpetual conservatrice of those things that have been done before this present time, and also a quotidian witness of benefits, malafits, great acts and triumphal victories of all manner people. . . . Other monuments distributed in divers changes endure but in a short time or season. But the virtue of history, diffused and spread by the universal world, hath Time, which consumeth all other things, as conservatrice and keeper of her work. . . . History enhanceth noble men, and depresseth wicked men and fools.

HIGDEN'S *Polychronicon* (Trevisa's translation).

## A DESCRIPTION OF BRITAIN

BRITAIN is known to be the most flourishing and excellent, most renowned and famous isle of the whole world. So rich in commodities, so beautiful in situation, so resplendent in all glory, that if the most Omnipotent had fashioned the world round like a ring, as he did like a globe, it might have been most worthily the only gem therein.

For the air is most temperate and wholesome, fitted in the midst of the temperate zone, subject to no storms and tempests as the more southern and northern are, but stored with infinite delicate fowl. For water, it is walled and guarded by the ocean, most commodious for traffic to all parts of the world, and watered with pleasant fishful and navigable rivers, which yield safe havens and roads, and furnished with shipping and sailors, that it may rightly be termed the "Lady of the Sea." That I may say nothing of healthful baths, and of meres stored both with fish and fowl; the earth fertile of all kind of grain, manured with good husbandry, rich in mineral of coals, tin, lead, copper, not without gold and silver; abundant in pasture, replenished with cattle both tame and wild (for it hath more parks than all Europe besides), plentifully wooded, provided with all complete provisions of war, beautified with many populous cities, fair boroughs, good towns and well-built villages, strong munitions, magnificent palaces of the prince, stately houses of the nobility, frequent hospitals, beautiful churches, fair colleges, as well in other places as in the two Universities, which are comparable to all the rest in Christendom, not only in antiquity, but also in learning, buildings, and endowments. As for government ecclesiastical and civil, which is the very soul of a kingdom, I need to say nothing, whenas I write to home-born and not to strangers.

But to praise Britain according as the dignity thereof requires, is a matter which may exercise, if not tire, the happiest wit furnished with the greatest variety of learning; and some have already busied their brains and pens herein, with no small labour and travail: let, therefore, these few lines in this behalf suffice, out of an ancient writer:

" Britain, thou art a glorious isle, extolled and renowned



among all nations; the navies of Tharsis cannot be compared to thy shipping, bringing in all precious commodities of the world: the sea is thy wall, and strong fortifications do secure thy ports; chivalry, clergy and merchandise do flourish in thee. The Pisans, Genoese and Venetians do bring thee sapphires, emeralds, and carbuncles from the East: Asia serveth thee with silk and purple, Africa with cinnamon and balm, Spain with gold, and Germany with silver. Thy weaver, Flanders, doth drape cloth for thee of thine own wool; thy Gascoigne doth send thee wine; buck and doe are plentiful in thy forests; droves of cattle and flocks of sheep are upon thy hills. All the perfection of the goodliest land is in thee. Thou hast all the fowl of the air. In plenty of fish thou dost surpass all regions. And albeit thou art not stretched out with large limits, yet bordering nations clothed with thy fleeces do wonder at thee for thy blessed plenty. Thy swords have been turned into plough-shares: peace and religion flourish in thee, so that thou art a mirror to all Christian kingdoms."

Add hereunto, if you please, these few lines out of a far more ancient panegyrist in the time of Constantine the Great:

"O happy Britain, and more blissful than all other regions! Nature hath enriched thee with all the commodities of heaven and earth, wherein there is neither extreme cold in winter, nor scorching heat in summer; wherein there is such abundant plenty of corn as may suffice both for bread and wine; wherein are woods without wild beasts, and the fields without noisome serpents; but infinite numbers of milch cattle, and sheep weighed down with rich fleeces; and, that which is most comfortable, long days and lightsome nights."

WILLIAM CAMDEN.

## FOLKLAND AND BOOKLAND

FOLKLAND is the common land of the community or of the nation, out of which the ancient allodial possessions were carved. This process of turning public property into private went on largely in later times. The alienation was now

commonly made by a document in writing, under the signatures of the king and his Witan; land so granted was known as *bookland* (*bócland*). Portions of the folkland were thus cut off from the public ownership, and were booked to private corporations or individuals. The greater portion of the ancient charters still preserved consists of grants of this kind. A vast number are of course in favour of the Church, but those which are made to the king's faithful thegns are hardly less numerous. In either case portions of the folkland are alienated, "booked," to private use with the consent of the Witan. Of course the booking might be made on any terms; any sort of tenure might be created; but the great object of the grantee was to get the land as pure *eoel* or *alod*, subject only to the three inevitable burthens. The king's thegns, to whom so many of these grants are made, are exactly the class of persons who, under a systematic feudalism, would receive benefices granted on a feudal tenure. And in many cases they did receive what may fairly be called feudal benefices. But of course the man who could get land booked to him on the same terms as an ancient *eoel*, was in incomparably greater good luck.

The folkland, the common property of the state, was of course at the disposal of the state, but of the state only. It was only granted by the king, but only by the consent and authority of his Witan. That is to say, in modern language, the change of folkland into bookland required an Act of Parliament, but Acts to that effect were passed constantly and without difficulty. The folkland belonged to the nation and not to the king. The king was only its chief administrator, enjoying its use, so far as he enjoyed it, only as the head and representative of the nation. But the king, like any other man, had his private estate. Like any other man, he might have his ancient allodial property, or he might, like any other man, have land booked to him, land which followed the ordinary course of legal succession or testamentary disposal. It was indeed absolutely needful that the king should have such private possessions; for, in our ancient elective monarchy, the reigning king had no certainty that the crown, and the possessions attached to the crown, would ever pass to his descendants. But, after

the Norman Conquest, as the royal power increased, and as the modern notion of hereditary right was gradually developed, these two kinds of possession got confounded. On the one hand, the nation was forgotten or merged in the person of its chief; the folkland was held to be the king's land, *Terra Regis*; the king was led to look on the possessions of the nation as his own, and to grant them away at his own pleasure without the consent of parliament. On the other hand, lawyers brought in the strange doctrine that the king could hold no private property, but that, on his accession to the crown, his private estate was merged in what was now held to be the royal domain. By one of those curious cycles which so often come round in human affairs, one of these wrongs has been redressed formally and the other practically. Our modern kings have recovered the ancient right, common to them with other men, of inheriting, purchasing, and bequeathing private estates. On the other hand, now that the royal domain is given up to the nation to be controlled by parliament, it is practically restored to its ancient condition of folkland. That is to say, after so many centuries of usurpation, the land of which the kings had defrauded the nation has come back to its lawful owners.

By these various means the old system of free Teutonic communities gradually died out in England, as it died out in all parts of the Continent save one.<sup>1</sup> . . .

The uprooting of the old free communities, the growth of the power of the king and of his thegns, no doubt tended, in England, as elsewhere, to the degradation, at least for a while, of the lowest class of freemen. The ceorl was fast sinking into the villain. Still, even in the worst times, enough of the old spirit remained in our laws to give the villain means of obtaining enfranchisement which gradually did enfranchise the whole class, without the institution of villainage ever being formally done away with. And the uprooting of the old communities was necessary, if England was ever to become a great and united nation.

EDWARD A. FREEMAN.

<sup>1</sup> Switzerland.

## THE WITENAGEMOT

THAT famous assembly of our forefathers was called by various names, the *Mycel Gemót* or *Great Meeting*, the *Witenagemot* or *Meeting of the Wise*, sometimes the *Mycel Getheht* or *Great Thought*. But the common title of those who compose it is simply the *Witan*, the *Sapientes* or *Wise Men*. In every English kingdom we find the royal power narrowly limited by the necessity under which the king lay of acting in all matters of importance by the consent and authority of his Witan, in other words, of his Parliament. As the other kingdoms merged in Wessex, the Witan of the other kingdoms became entitled to seats in the Gemót of Wessex, now become the common Gemót of the Empire. But, just as in the case of the assemblies of the Mark and the Shire, so the Gemóts of the other kingdoms seem to have gone on as local bodies, dealing with local affairs, and perhaps giving a formal assent to the resolutions of the central body. As to the constitution of these Great Councils in any English kingdom our information is of the vaguest kind. The members are always described in the loosest way. We find the Witan constantly assembling, constantly passing laws, but we find no law prescribing or defining the constitution of the assembly itself. We find no trace of representation or election; we find no trace of any property qualification; we find no trace of nomination by the crown, except in so far as all the great officers of the court and the kingdom were constantly present. On the other hand we have seen that all the leading men, ealdormen, bishops, abbots, and a considerable body of other thegns, did attend; we have seen that the people as a body were in some way associated with the legislative acts of their chiefs, that those acts were in some sort the acts of the people themselves, to which they had themselves assented, not merely the edicts of superiors which they had to obey. We have seen that, on some particular occasions, some classes at least of the people did actually take a part in the proceedings of the National Council; thus the citizens of London are more than once recorded to have taken a share in the

election of kings. No theory that I know of will explain all these phenomena except that which I have just tried to draw out. This is, that every freeman had an abstract right to be present, but that any actual participation in the proceedings of the assembly had, gradually and imperceptibly, come to be confined to the leading men, to the king's thegns, strengthened, under peculiarly favourable circumstances, by the presence of exceptional classes of freemen, like the London citizens. It is therefore utterly vain for any political party to try to press the supposed constitution of our ancient National Councils into the service of modern political warfare. The Meeting of the Wise has not a word to utter for or against any possible Reform Bill. In one sense it was more democratic than anything that the most advanced Liberal would venture to dream of; in another sense it was more oligarchic than anything that the most unbending Conservative would venture to defend. Yet it may in practice have fairly represented the wishes of the nation; and, if so, no people ever enjoyed more complete political freedom than the English did in these early times. For the powers of the ancient Witenagemot surpassed beyond all measure the powers which our written law vests in a modern parliament. In some respects they surpassed the powers which our conventional Constitution vests in the House of Commons. The king could do absolutely nothing without the consent of his Wise Men. First of all, it was from them that he derived his political being, and it was on them that he depended for its continuance. The Witan chose the king and the Witan could depose him. The power of deposition is a power which, from its very nature, can be exercised but rarely; we therefore do not find many kings deposed by Act of Parliament either before or since the Norman Conquest. But we do find instances, both before and since that event, which show that, by the ancient constitution of England, the Witan of the land did possess the right of deposing the sovereign, and that, on great and emergent occasions, they did not shrink from exercising that right.

EDWARD A. FREEMAN.

## THE NAME ENGLISH

THE name by which our forefathers really knew themselves was "English" and no other. "Angli," "Engle," "Angelcyn," "Englisc," are the true names by which the Teutons of Britain knew themselves and their language. The people are the English, their tongue is the English tongue, their king is the King of the English. The instances of any other use are to be found in a foreign language, and are easily accounted for by exceptional causes. And even these exceptional usages had quite died away before the period of our history with which we are immediately concerned. The people whom William overcame at Senlac, and over whom he was crowned king at Westminster, knew themselves, and were known to their conquerors and to all the rest of the world except the Celts of Britain and Ireland, by the name of ENGLISH and by the name of ENGLISH alone.

But it is sometimes argued that, though our forefathers confessedly called themselves English, yet we ought, in speaking of them, to call them something else; that, though Ælfred called his own tongue English, we ought to correct him and call it Saxon. Now the presumption is surely in favour of calling any people by the name by which they call themselves, especially when that name has gone on in uninterrupted use to our own days. Our national nomenclature has not changed for a thousand years. In the days of Ælfred, as now, the Englishman speaking in his own tongue called himself an Englishman. In the days of Ælfred, as now, his Celtic neighbour called him a Saxon. As we do not now speak of ourselves by the name by which Welshmen and Highlanders speak of us, some very strong reason indeed ought to be brought to show that we ought to speak of our forefathers, not as they spoke of themselves, but as Welshmen and Highlanders spoke of them. But the reason commonly given springs out of mere misconception and leads to further misconceptions. From some inscrutable cause, people fancy that the word English cannot rightly be applied to the nation, its language, or its institutions, till after the Norman element has been absorbed into it; that is, in truth, that nothing can be called English till it has become some-

what less English than it was at an earlier time. The tongue which Ælfred, in the days of its purity, called English, we must not venture to call English till the days when it had received a considerable infusion of French. This notion springs from a completely wrong conception of the history of our nation. The refusal to call ourselves and our forefathers a thousand years back by the same name originates in a failure to realise the fact that our nation is the same nation as that which migrated from Germany to Britain in the fifth century. In the words of Sir Francis Palgrave, "I must needs here pause, and substitute henceforward the true and ancient word English for the unhistorical and conventional term Anglo-Saxon, an expression conveying a most false idea of our civil history. *It disguises the continuity of affairs, and substitutes the appearance of a new formation in the place of a progressive evolution.*"

EDWARD A. FREEMAN.

## THE DANES IN ENGLAND

A.D. 895. Then, in the same year, before winter, the Danes, who abode in Mersey, towed their ships up on the Thames, and thence up the Lea. That was about two years after that they came hither over sea.

A.D. 896. This same year wrought the aforesaid army a work by the Lea, twenty miles above the city of London. Then, in the summer of this year, went a large party of the citizens, and also of other folk, and made an attack on the work of the Danes; but they were there routed, and some four of the king's thanes were slain. In the harvest afterward the king encamped close to the city, whilst they reaped their corn, that the Danes might not deprive them of the crop. Then, some day, rode the king up by the river; and observed a place where the river might be obstructed, so that they could not bring out their ships. And they did so. They wrought two works on the two sides of the river. And when they had begun the work, and encamped before it, then understood the army that they could not bring out their ships. Whereupon they left them, and went over land, till

they came to Quatbridge by Severn; and there wrought a work. Then rode the king's army westward after the enemy. And the men of London fetched the ships; and all that they could not lead away they broke up; but all that were worthy of capture they brought into the port of London. And the Danes procured an asylum for their wives among the East-Angles, ere they went out of the fort. During the winter they abode at Quatbridge. That was about three years since they came hither over sea into the mouth of the Limne.

A.D. 897. In the summer of this year went the army, some into East-Anglia, and some into Northumbria; and those that were penniless got themselves ships, and went south over sea to the Seine. The enemy had not, thank God, entirely destroyed the English nation; but they were much more weakened in these three years by the disease of cattle, and most of all of men; so that many of the mightiest of the king's thanes, that were in the land, died within the three years. Of these, one was Swithulf Bishop of Rochester, Ceolmund alderman in Kent, Bertulf alderman in Essex, Wulfred alderman in Hampshire, Elhard Bishop of Dorchester, Eadulf a king's thane in Sussex, Bernulf governor of Winchester, and Egulf the king's horse-thane; and many also with them; though I have named only the men of the highest rank. This same year the plunderers in East-Anglia and Northumbria greatly harassed the land of the West-Saxons by piracies on the southern coast, but most of all by the esks which they built many years before. Then King Alfred gave orders for building long ships against the esks, which were full-nigh twice as long as the others. Some had sixty oars, some more; and they were both swifter and steadier, and also higher than the others. They were not shaped either after the Frisian or the Danish model, but so as he himself thought that they might be most serviceable. Then, at a certain turn of this same year, came six of their ships to the Isle of Wight; and going into Devonshire, they did much mischief both there and everywhere on the sea-coast. Then commanded the king his men to go out against them with nine of the new ships, and prevent their escape by the mouth of the river to the outer sea. Then came they out against them with three ships, and three others were standing upwards above the mouth on dry land; for the



men were gone off upon shore. Of the first three ships they took two at the mouth outwards, and slew the men; the third veered off, but all the men were slain except five; and they too were severely wounded. Then came onward those who manned the other ships, which were also very uneasily situated. Three were stationed on that side of the deep where the Danish ships were aground, whilst the others were all on the opposite side; so that none of them could join the rest; for the water had ebbed many furlongs from them. Then went the Danes from their three ships to those other three that were on their side, be-ebbed; and there they then fought. There were slain Lucomon, the king's reve, and Wulfheard, a Frieslander; Ebb, a Frieslander, and Ethelere, a Frieslander; and Ethelferth, the king's neat-herd; and of all the men, Frieslanders and English, sixty-two; of the Danes a hundred and twenty. The tide, however, reached the Danish ships ere the Christians could shove theirs out; whereupon they rowed them out; but they were so crippled, that they could not row them beyond the coast of Sussex: there two of them the sea drove ashore; and the crew were led to Winchester to the king, who ordered them to be hanged. The men who escaped in the single ship came to East-Anglia, severely wounded. This same year were lost no less than twenty ships, and the men withal, on the southern coast. Wulfric, the king's horse-thane, who was also viceroy of Wales, died the same year.

A.D. 901. This year died ALFRED, the son of Ethelwulf, six nights before the mass of All Saints. He was king over all the English nation, except that part that was under the power of the Danes.

*Anglo-Saxon Chronicle.*

## KING ALFRED IN ATHELNEY

THE same year, after Easter, King Alfred, with a few followers, made for himself a stronghold in a place called Athelney, and from thence sallied with his vassals and the nobles of Somersetshire, to make frequent assaults upon the pagans. Also, in the seventh week after Easter, he rode to

the stone of Egbert, which is in the eastern part of the wood which is called Selwood, which means in Latin *Silva Magna*, the Great Wood, but in British *Coetmawr*. Here he was met by all the neighbouring folk of Somersetshire, and Wiltshire, and Hampshire, who had not, for fear of the pagans, fled beyond the sea; and when they saw the king alive after such great tribulation, they received him, as he deserved, with joy and acclamations, and encamped there for one night. When the following day dawned, the king struck his camp, and went to Okeley, where he encamped for one night. The next morning he removed to Edington, and there fought bravely and perseveringly against all the army of the pagans, whom, with divine help, he defeated with great slaughter, and pursued them flying to their fortification. Immediately he slew all the men, and carried off all the booty that he could find without the fortress, which he immediately laid siege to with all his army; and when he had been there fourteen days, the pagans, driven by famine, cold, fear, and last of all by despair, asked for peace on the condition that they should give the king as many hostages as he pleased, but should receive none of him in return, in which form they had never before made a treaty with any one. The king, hearing that, took pity upon them, and received such hostages as he chose; after which the pagans swore, moreover, that they would immediately leave the kingdom: and their king, Gothrun, promised to embrace Christianity, and receive baptism at King Alfred's hands. All of which articles he and his men fulfilled as they had promised. For after seven weeks Gothrun, king of the pagans, with thirty men chosen from the army, came to Alfred at a place called Aller, near Athelney, and there King Alfred, receiving him as his son by adoption, raised him up from the holy laver of baptism on the eighth day, at a royal villa named Wedmore, where the holy chrism was poured upon him. After his baptism he remained twelve nights with the king, who, with all his nobles, gave him many fine houses.

ASSER.

## ALFRED AS CRAFTSMAN KING

IN the meantime, the king during the frequent wars and other trammels of this present life, the invasions of the pagans and his own daily infirmities of body, continued to carry on the government and to exercise hunting in all its branches; to teach his workers in gold and artificers of all kinds, his falconers, hawkers and dog-keepers; to build houses, majestic and good, beyond all the precedents of his ancestors, by his new mechanical inventions; to recite the Saxon books, and especially to learn by heart the Saxon poems, and to make others learn them; and he alone never desisted from studying, most diligently, to the best of his ability; he attended the mass and other daily services of religion; he was frequent in psalm singing and prayer, at the hours both of the day and the night. He also went to the churches, as we have already said, in the night-time to pray, secretly, and unknown to his courtiers; he bestowed alms and largesses on both natives and foreigners of all countries; he was affable and pleasant to all, and curiously eager to investigate things unknown. Many Franks, Grisons, Gauls, pagans, Britons, Scots and Armoricians, noble and ignoble, submitted voluntarily to his dominion; and all of them, according to their nation and deserving, were ruled, loved, honoured, and enriched with money and power. Moreover the king was in the habit of hearing the divine scriptures read by his own countrymen, or, if by any chance it so happened, in company with foreigners, and he attended to it with sedulity and solicitude. His bishops, too, and all ecclesiastics, his earls and nobles, ministers and friends, were loved by him with wonderful affection, and their sons, who were bred up in the royal household, were no less dear to him than his own; he had them instructed in all kinds of good morals, and among other things, never ceased to teach them letters night and day; but as if he had no consolation in all these things, and suffered no other annoyance either from within or without, yet he was harassed by daily and nightly affliction, that he complained to God, and to all who were admitted to his familiar love, that Almighty God had

made him ignorant of divine wisdom, and of the liberal arts; in this emulating the pious, the wise and wealthy Solomon, king of the Hebrews, who at first, despising all present glory and riches, asked wisdom of God, and found both, namely, wisdom and worldly glory; as it is written, "Seek first the Kingdom of God and his righteousness, and all these things shall be added unto you." But God, who is always the inspector of the thoughts of the mind within, and the instigator of all good intentions, and a most plentiful aider, that good desires may be formed—for he would not instigate a man to good intentions, unless he also amply supplied that which the man justly and properly wishes to have—instigated the king's mind within; as it is written, "I will hearken what the Lord God will say concerning me." He would avail himself of every opportunity to procure coadjutors in his good designs, to aid him in his strivings after wisdom, that he might attain to what he aimed at; and, like a prudent bird, which rising in summer with the early morning from her beloved nest, steers her rapid flight through the uncertain tracks of ether, and descends on the manifold and varied flowers of grasses, herbs, and shrubs, essaying that which pleases most, that she may bear it to her home, so did he direct his eyes afar, and seek without that which he had not within, namely in his own kingdom. . . .

In the year of our Lord's incarnation, 886, which was the thirty-eighth since the birth of Alfred, the army so often before-mentioned again fled the country, and went into the country of the Western Franks, directing their ships to the river called the Seine, and sailed up it as far as the city of Paris, and there they wintered and measured out their camp. They besieged that city a whole year, as far as the bridge, that they might prevent the inhabitants from making use of it; for the city is situated on a small island in the middle of the river; but by the merciful favour of God, and the brave defence of citizens, the army could not force their way inside the walls.

In the same year, Alfred, king of the Anglo-Saxons, after the burning of cities and the slaying of the people, honourably rebuilt the city of London, and made it again habitable. He gave it into the custody of his son-in-law, Ethelred, earl of Mercia, to which king all the Angles and Saxons, who before

had been dispersed everywhere, or were in captivity with the pagans, voluntarily turned and submitted themselves to his dominion.

ASSER.

### CANUTE'S LETTER

CANUTE, king of all England, and of Denmark, Norway, and part of Sweden, to Ethelnote, metropolitan, and Alfric, Archbishop of York, and to all the bishops and prelates, and to the whole nation of the English, both the nobles and the commons, greeting:

I notify to you that I have lately taken a journey to Rome, to pray for the forgiveness of my sins, and for the welfare of my dominions, and the people under my rule. I had long since vowed this journey to God, but I have been hitherto prevented from accomplishing it by the affairs of my kingdom and other causes of impediment. I now return most humble thanks to my God Almighty for suffering me in my lifetime to visit the sanctuary of his apostles, SS. Peter and Paul, and all others which I could find either within or without the city of Rome, and there in person reverentially worship according to my desire. I have performed this chiefly, because I have learnt from wise men that St. Peter the apostle has received from God great power in binding and in loosing, and carries the keys of the Kingdom of Heaven; and therefore I esteemed it very profitable to seek his special patronage with the Lord.

Be it known to you that, at the celebration of Easter, a great assembly of nobles was present with our lord, the pope John, and Conrad the emperor; that is to say, all the princes of the nations from Mount Garganus to the neighbouring sea. All these received me with honour and presented me with magnificent gifts; but more especially was I honoured by the emperor with various gifts and valuable presents, both in gold and silver vessels, and in palls and very costly robes. I spoke with the emperor himself, and the lord pope, and the princes who were there, in regard to the wants of my people, English as well as Danes; that there should be granted to them more equal justice and greater security in

their journeys to Rome, and that they should not be hindered by so many barriers on the road, nor harassed by unjust tolls. The emperor assented to my demands, as well as King Rudolph, in whose dominions these barriers chiefly stand; and all the princes made edicts that my people, the merchants as well as those who go to pay their devotions, shall pass to and fro in their journeys to Rome in peace, and under the security of just laws, free from all molestation of the guards of barriers or the receivers of tolls. I made further complaint to my lord the pope, and expressed my high displeasure, that my archbishops are sorely aggrieved by the demand of immense sums of money, when, according to custom, they resort to the apostolical see to obtain the pallium; and it is decreed that it shall no longer be done. All things, therefore, which I requested for the good of my people from my lord the pope, and the emperor, and King Rudolph, and the other princes through whose territories our road to Rome lies, they have most freely granted, and even ratified their concessions by oath; to which four archbishops, twenty bishops, and an innumerable multitude of dukes and nobles who were there present, are witnesses. Wherefore I return most hearty thanks to Almighty God for my having successfully accomplished all that I had desired, as I had resolved in my mind, and having satisfied my wishes to the fullest extent.

Be it known therefore to all of you, that I have humbly vowed to the Almighty God Himself henceforward to amend my life in all respects, and to rule the kingdom and the people subject to me with justice and clemency, giving equitable judgments in all matters; and if, through the intemperance of youth or negligence, I have hitherto exceeded the bounds of justice in any of my acts, I intend by God's aid to make an entire change for the better. I therefore adjure and command my counsellors to whom I have entrusted the affairs of my kingdom, that henceforth they neither commit themselves, nor suffer to prevail, any sort of injustice throughout my dominions, either from fear of me, or from favour to any powerful person. I also command all sheriffs and magistrates throughout my whole kingdom, as they tender my regard and their own safety, that they use no unjust violence to any man, rich or poor, but that all, high and low, rich or poor, shall enjoy alike impartial law; from

which they are never to deviate, either on account of royal favour, respect of person in the great, or for the sake of amassing money wrongfully, for I have no need to accumulate wealth by iniquitous exactions.

I wish you further to know that, returning by the way I went, I am now going to Denmark to conclude a treaty for a solid peace, all the Danes concurring, with those nations and peoples who would have taken my life and crown if it had been possible; but this they were not able to accomplish, God bringing their strength to nought. May He, of His merciful kindness, uphold me in my sovereignty and honour, and henceforth scatter and bring to nought the power and might of all my adversaries! When, therefore, I shall have made peace with the surrounding nations, and settled and reduced to order all my dominions in the East, so that we shall have nothing to fear from war or hostilities in any quarter, I propose to return to England as early in the summer as I shall be able to fit out my fleet. I have sent this epistle before me in order that my people may be gladdened at my success; because, as you yourselves know, I have never spared, nor will I spare, myself or my exertions, for the needful service of my whole people. I now therefore command and adjure all my bishops and the governors of my kingdom, by the duty they owe to God and myself, to take care that before I come to England all dues belonging to God, according to the old laws, be fully discharged; namely, plough-alkms, the tithe of animals born in the current year, and the pence payable to St. Peter at Rome, whether from towns or vills; and in the middle of August the tithes of corn; and at the feast of St. Martin the first-fruits of grain [payable] to every one's parish church, called in English *ciric-sceat*. If these and such-like dues be not paid before I come, those who make default will incur fines to the king, according to the law, which will be strictly enforced without mercy. Farewell.

FLORENCE OF WORCESTER.

## THE NORMANS IN ENGLAND

A.D. 1085. In this year men reported, and of a truth asserted, that Cnute, King of Denmark, son of King Sweyne, was coming hitherward, and was resolved to win this land, with the assistance of Robert, Earl of Flanders;<sup>1</sup> for Cnute had Robert's daughter. When William, King of England, who was then resident in Normandy (for he had both England and Normandy), understood this, he went into England with so large an army of horse and foot, from France and Brittany, as never before sought this land; so that men wondered how this land could feed all that force. But the king left the army to shift for themselves through all this land amongst his subjects, who fed them, each according to his quota of land. Men suffered much distress this year; and the king caused the land to be laid waste about the sea coast; that, if his foes came up, they might not have anything on which they could very readily seize. But when the king understood of a truth that his foes were impeded, and could not further their expedition,<sup>2</sup> then let he some of the army go to their own land; but some he held in this land over the winter. Then, at the midwinter, was the king in Gloucester with his council, and held there his court five days. And afterwards the archbishop and clergy had a synod three days. There was Mauritius chosen Bishop of London, William of Norfolk, and Robert of Cheshire. These were all the king's clerks. After this had the king a large meeting, and very deep consultation with his council, about this land; how it was occupied, and by what sort of men. Then sent he his men over all England into each shire; commissioning them to find out "How many hundreds of hides were in the shire, what land the king himself had, and what stock upon the land; or, what dues he ought to have by the year from the shire." Also he commissioned them to record in writing, "How much land his archbishops had, and

<sup>1</sup> —and of Olave Kyrre, King of Norway. Vid. *Antiq. Cello-Scand.*

<sup>2</sup> Because there was a mutiny in the Danish fleet; which was carried to such a height, that the king, after his return to Denmark, was slain by his own subjects. Vid. *Antiq. Cello-Scand.*, also our Chronicle. A.D. 1087.



his diocesan bishops, and his abbots, and his earls"; and though I may be prolix and tedious, "What, or how much, each man had, who was an occupier of land in England, either in land or in stock, and how much money it were worth." So very narrowly, indeed, did he commission them to trace it out, that there was not one single hide, nor a yard<sup>1</sup> of land, nay, moreover (it is shameful to tell, though he thought it no shame to do it), not even an ox, nor a cow, nor a swine was there left, that was not set down in his writ. And all the recorded particulars were afterwards brought to him.<sup>2</sup>

A.D. 1086. This year the king bare his crown, and held his court, in Winchester at Easter; and he so arranged, that he was by the Pentecost at Westminster, and dubbed his son Henry a knight there. Afterwards he moved about so that he came by Lammas to Sarum; where he was met by his councillors; and all the landsmen that were of any account over all England became this man's vassals as they were; and they all bowed themselves before him, and became his men, and swore him oaths of allegiance that they would against all other men be faithful to him. Thence he proceeded to the Isle of Wight; because he wished to go into Normandy, and so he afterwards did; though he first did according to his custom; he collected a very large sum from his people, wherever he could make any demand, whether with justice or otherwise. Then he went into Normandy; and Edgar Etheling, the relation of King Edward, revolted from him, for he received not much honour from him; but may the Almighty God give him honour hereafter. And Christina, the sister of the etheling, went into the monastery of Rumsey, and received the holy veil. And the same year there was a very heavy season, and a swinkful and sorrowful year in England, in murrain of cattle, and corn and fruits were at a stand, and so much untowardness in the weather, as a man may not easily think; so tremendous was the thunder and lightning, that it killed many men; and it continually grew worse and worse with men. May God Almighty better it whenever it be His will.

A.D. 1087. After the birth of our Lord and Saviour Christ,

<sup>1</sup> *i.e.* a fourth part of an acre.

<sup>2</sup> At Winchester, where the king held his court at Easter in the following year; and the survey was accordingly deposited there; whence it was called *Rotulus Wintoniæ*, and *Liber Wintoniæ*.

one thousand and eighty-seven winters, in the one-and-twentieth year after William began to govern and direct England, as God granted him, was a very heavy and pestilent season in this land. Such a sickness came on men, that full nigh every other man was in the worst disorder, that is, in the diarrhœa; and that so dreadfully, that many men died in the disorder. Afterwards came, through the badness of the weather as we before mentioned, so great a famine over all England, that many hundreds of men died a miserable death through hunger. Alas! how wretched and how rueful a time was there! When the poor wretches lay full nigh driven to death prematurely, and afterwards came sharp hunger, and dispatched them withal! Who will not be penetrated with grief at such a season? or who is so hard-hearted as not to weep at such misfortune? Yet such things happen for folks' sins, that they will not love God and righteousness. So it was in those days, that little righteousness was in this land with any men but with the monks alone, wherever they fared well. The king and the head men loved much, and overmuch, covetousness in gold and in silver; and recked not how sinfully it was got, provided it came to them. The king let his land at as high a rate as he possibly could; then came some other person, and bade more than the former one gave, and the king let it to the men that bade him more. Then came the third, and bade yet more; and the king let it to hand to the men that bade him most of all: and he recked not how very sinfully the stewards got it of wretched men, nor how many unlawful deeds they did; but the more men spake about right law, the more unlawfully they acted. They erected unjust tolls, and many other unjust things they did, that are difficult to reckon. Also in the same year, before harvest, the holy minster of St. Paul, the episcopal see in London, was completely burned, with many other minsters, and the greatest part, and the richest of the whole city. So also, about the same time, full nigh each head-port in all England was entirely burned. Alas! rueful and woeful was the fate of the year that brought forth so many misfortunes!

*Anglo-Saxon Chronicle.*

## CIVILISATION BY CASTLE

AMONG the Frenchmen who flocked to the land of promise was one named Richard the son of Scrob, who had received a grant of land in Herefordshire. He and his son Osborn had there built a castle on a spot which, by a singularly lasting tradition, preserves to this day the memory of himself and his building. The fortress itself has vanished, but its site is still to be marked, and the name of Richard's castle, still borne by the parish in which it stood, is an abiding witness of the deep impression which its erection made on the minds of the men of those times. The building of castles is something of which the English writers of this age frequently speak, and speak always with a special kind of horror. Both the name and the thing were new. To fortify a town, to build a citadel to protect a town, were processes with which England had long been familiar. To contribute to such necessary public works was one of the three immemorial obligations from which no Englishman could free himself. But for a private landowner to raise a private fortress to be the terror of his neighbours was something to which Englishmen had hitherto been unaccustomed, and for such a structure the English language had hitherto contained no name. But now the tall, square, massive donjon of the Normans, a building whose grandest type is to be seen in the Conqueror's own Tower of London and in the more enriched keep of Rochester, began, doubtless on a far humbler scale, to rear itself over the dwellings of Englishmen. Normandy had, during the minority of William, been covered with such buildings, and his wise policy had levelled many of them with the ground. Such buildings, strange to English eyes, bore no English name, but retained their French designation of *castles*. Such a castle at once became a centre of all kinds of oppression. Men were harboured in it, and deeds were done within its impregnable walls, such as could find no place in the open hall of the ancient English thegn. So it was with the castle which was now raised within the government of the eldest son of Godwine. The Welshmen, as they are called—that is, not Britons, but Frenchmen, *Gal-Welsh*, not *Bret-Welsh*—built

their castle, and “wrought all the harm and *besmear*”—an expressive word which has dropped out of the language—“to the king’s men thereabouts that they might.” Here then was another wrong, a wrong perhaps hardly second to the wrong which had been done at Dover. Alike in Kent and in Herefordshire men had felt the sort of treatment which they were to expect if the king’s foreign favourites were to be any longer tolerated. The time was now come for Englishmen to make a stand.

EDWARD A. FREEMAN.

### THE MERCHANTS OF LONDON

THE merchants of London claimed to be quit of toll at the fair of St. Edmund; nevertheless many paid it, unwillingly indeed, and under compulsion; wherefore a great tumult and commotion was made among the citizens of London in their hustings. However, they came in a body and informed the abbot Sampson, that they were entitled to be quit of toll throughout all England, by authority of the charter which they had from King Henry the Second. Whereto the abbot answered, that were it necessary, he was well able to vouch the king to warranty, that he had never granted them any charter to the prejudice of our church, nor to the prejudice of the liberties of St. Edmund, to whom St. Edward had granted and confirmed *toll* and *theam* and all regalities before the conquest of England; and that King Henry had done no more than give to the Londoners an exemption from toll throughout his own lordships, and in places where he was able to grant it; but as far as concerned the town of St. Edmund, he was not able so to do, for it was not his to dispose of. The Londoners hearing this, ordered by common council, that no one of them should go to the fair of St. Edmund; and for two years they kept away, whereby our fair sustained great loss, and the offering of the sacrist was very much diminished indeed. At last, upon the mediation of the Bishop of London and many others, it was settled between us and them, that they should come to the fair, and that some of them should pay toll, but that it should be forthwith returned to them, that by such a colourable act the privilege on both sides

should be preserved. But in process of time, when the abbot had made agreement with his knights, and as it were slept in tranquillity, behold again "the Philistines be upon thee, Sampson!"<sup>1</sup> Lo! the Londoners, with one voice, were threatening that they would lay level with the earth the stone houses which the abbot had built that very year, or that they would take distress by a hundredfold from the men of St. Edmund, unless the abbot forthwith redressed the wrong done them by the bailiffs of the town of St. Edmund, who had taken fifteen pence from the carts of the citizens of London, who on their way from Yarmouth, laden with herrings, had made passage through our demesnes. Furthermore, the citizens of London said that they were quit of toll in every market, and on every occasion, and in every place throughout all England, from the time when Rome was first founded, and that London was founded at the very same time. Also, that they ought to have such an exemption throughout all England, as well by reason of its being a privileged city, which was of old time the metropolis and head of the kingdom, as well by reason of its antiquity. But the abbot sought reasonable imparlances thereupon, until the return of our lord the King of England, that he might consult with him upon this; and having taken advice of the lawyers, he replevied to the claimants those fifteen pence, without prejudice to the question of each party's right.

A.D. 1192. In the tenth year of the abbacy of the abbot Sampson, by the common council of our chapter, we complained to the abbot in his own hall, stating that the rents and issues of all the good towns and boroughs of England were increasing and augmenting, to the profit of the possessors, and the well-thriving of their lords, all except this our town, which had long yielded forty pounds, and had never gone beyond that sum; and that the burgesses of the town were the cause of this thing, for they held so large and so many standings in the market-place, of shops and sheds and stallages, without the assent of the convent, indeed from the sole gift of the bailiffs of the town, who after all were but yearly renters and, as it were, ministers of the sacrist, and were removable at his good pleasure. Now the

<sup>1</sup> Judges xvi. 9, 12, 14, 20.

burgesses being summoned made answer, that they were in the assize of the king (*i.e.* under the jurisdiction of the king's courts), nor would they make answer in derogation of the immunity of the town and their charters, in respect of the tenements which they and their fathers had holden well and in time of peace<sup>1</sup> for one year and a day without claim; and they also said, the old custom had been this, that the bailiffs should, without the interference of the convent, dispose of the places of the shops and sheds in the marketplace, in consideration of a certain rent payable yearly to the bailiwick. But we gainsaying this, were desirous that the abbot should disseise them of such tenements whereof they had no warranty. Now the abbot coming to our council, as if he were one of us, said to us in private, that he was willing enough to do us right, according to the best of his ability, but that he, nevertheless, was bound to proceed in due course of law, nor could he, without the judgment of a court, disseise his free men of their lands or rents, which they had holden for many years, were it justly or unjustly; which thing, if he should do, he said, he should fall into the king's mercy by the assize of the realm. Therefore the burgesses, taking counsel together, offered to the convent a rent of one hundred shillings, for the sake of peace; and that they should hold their tenements as they had been wont to do. But we, on the other hand, were by no means willing to grant this, rather desiring to put that plaint in respite, hoping perhaps, in the time of another abbot, to recover all, or change the place of the fair; and so the affair was deferred for many years. Now when the abbot had returned from Germany, the burgesses offered him sixty marks, and sued for his confirmation of the liberties of the town, under the same form of words as Anselm, and Ording, and Hugh had confirmed to them; all which the abbot graciously accorded. And notwithstanding our murmuring and grumbling, a charter was accordingly made to them in the terms of his promise; but because it would have been a shame and confusion to him if he had not been able to fulfil his promise, we were not willing to contradict him, or provoke him to anger. The burgesses, indeed, from the period when

<sup>1</sup> Not during civil war or disturbance, when rights could not be prosecuted.

they had the charter of Abbot Sampson and the convent, became more confident that they, at least in the time of Abbot Sampson, would not lose their tenements or their franchises; so that never afterwards, as they did before, were they willing to pay or offer the before-named rent of one hundred shillings. At length, however, the abbot calling his attention to this matter, discoursed with the burgesses hereupon, saying, that unless they made their peace with the convent, he should forbid their erecting their booths at the fair of St. Edmund. They, on the other hand, answered, that they were willing to give every year a silken hood, or some other ornament, to the value of one hundred shillings, as they had before promised to do; but nevertheless, upon this condition, that they were to be for ever quit of the tithes of their profits,<sup>1</sup> which the sacrist sharply demanded of them. The abbot and the sacrist both refused this, and therefore the plaint was again put in respite. In point of fact, we have from that time to the present lost those hundred shillings, according to the old saying, "He that will not when he may, when he will shall have nay."<sup>2</sup>

JOCELIN OF BRAKELOND.

## THE LIBERTY OF LONDON

### HOW THE KING ASKED FOR PRESENTS FROM THE LONDON CITIZENS

ANNO DOMINI 1249, the thirty-third year of the reign of King Henry, he spent Christmas at London. His brother Earl Richard was at Wallingford at this solemn season, celebrating the days of the Nativity in company with a great number of nobles, his guests. The Earl of Gloucester at the same time held his court with no less worldly magnificence near Gloucester, on the confines of Wales. But the king, shamelessly transgressing the bounds of royal dignity, on the day of Circumcision exacted from each of the citizens of London, one by one, the first gifts, which the people are accustomed superstitiously to call New Year's gifts. . . .

<sup>1</sup> Personal tithes.

<sup>2</sup> Qui non vult capere quando potest, non capiet quando volet.

Immediately after the festivities of the said season, he entered upon the following plan of harassing the citizens of London: he suspended the carrying on of traffic in that city, as has been before mentioned, for a fortnight, by establishing a new fair at Westminster, to the loss and injury of many; and immediately afterwards he sent letters by his agents, containing subtle and imperious entreaties, asking them for pecuniary aid. On receipt of this message, the citizens were grieved to the heart, and said: "Woe to us, woe to us; where is the liberty of London, which is so often bought; so often granted; so often guaranteed by writing; so often sworn to be respected? For each year almost, like slaves of the lowest condition, we are impoverished by new talliages, and injuriously harassed by fox-like arguments; nor can we discover into what whirlpool the property of which we are robbed is absorbed." At length, however, although immense sums were demanded, the citizens, although unwillingly and not without bitterness of heart, yielded their consent to a contribution of two thousand pounds to be paid to the king at a brief period. His usual oppression, moreover, raged without any moderation; for all vendible articles, if they were not concealed, as if they were stolen goods, especially meats and drinks, were seized for the use of the king; and yet his house did not acquire any increase of hospitality therefrom; but, banishing all shame, he stinted himself more every day, with a reprehensible sparingness; the ancient kingly hospitality was expelled from his door.

MATTHEW PARIS.

### THOMAS À BECKET

THOMAS is always said to have been the first Englishman who became Archbishop of Canterbury since the Conquest; it might have been added that he was nearly the first Englishman who became bishop of any see. This is perfectly true. He was the first native of England, of either race, who rose to the metropolitan throne; while his predecessors, and the greater number of the contemporary bishops, were natives of the Continent. It is probably this ambiguous expression



of "Englishman" which led M. Thierry into the mistake of looking on Thomas as an "Anglo-Saxon" patriot. The real phenomenon of the age is, not the struggle between the two races in England, but the fusing together of the two races preparatory to the struggle with a royal line foreign to both. This silent, gradual fusing of "Saxons and Normans" is recorded by no chronicler, just because it was so silent and gradual. But we see it plainly enough in its results. It was the great work of the twelfth century. It is this work which gives that century that peculiar character of which we have already spoken. No process could be more important, more necessary to all that was to come after. But its silent, hidden nature is alone enough to give a sort of isolated and unintelligible character to the outward aspect of the age.

Of this fusion Thomas, the son of Gilbert Becket of London, may be taken as the type. Though of Norman blood, his whole feeling, his whole character, is English; and it is clear that no man in England looked upon him as a stranger. His general character, in mind and in body, stands vividly forth in his own letters and in the descriptions of his biographers. The man of majestic presence and of unyielding soul at once rises up before us. Saint Thomas of Canterbury was indeed a "muscular Christian" with a vengeance. Of strength and stature beyond the common lot of men; with a quick ear, a keen eye, a fluent speech, cheerful in discourse and ready in debate; foremost in the mimic warfare of the chase and on the actual field of battle—such was Thomas the Chancellor. And scourge and fast and sackcloth did but little to change the essential character of Thomas the Archbishop. The weapons of his warfare alone are changed. Of old he stormed the strongest castles, and unhorsed the stoutest knights in single combat. He laughed at the scruples of his sovereign which kept him back from assailing his liege lord King Lewis within the walls of Toulouse. The saint clearly took exactly the same delight in wielding his spiritual arms. He writhed under the timid and time-serving counsels of pope and cardinals, who kept back the sword of Peter from the slaughter. And yet this man, so ardent and headstrong, must have been, at both times of his life, amongst the most amiable and delightful of companions. The intense love with which he inspired his immediate

followers breathes in every page of their writings. It is alike in the neophyte Edward Grim, in the fellow-exile Herbert, and in his earlier follower William Fitz-Stephen, who seems hardly to know which most to admire, the magnificent chancellor or the martyred archbishop. Nor did he awaken less attachment among men of other ways and callings. All their disputes could never quite efface the old friendship from the heart either of Henry or of Thomas. At every personal meeting the unextinguished love breaks out again, if only for one brief moment. Henry, there can be little doubt, was kept up to his opposition by men who hated Thomas far more than he did. The bishops, even the better ones, for the most part disliked him from their natural repugnance to see a man of his early life and conversation so strangely exalted over their heads. Ruffians like the De Brocs were actuated by the motives common to men of their stamp in all ages. The higher and better class of the laity, men like the Earls of Arundel and Leicester, oppose Thomas with deep sorrow, and in every respect exhibit a favourable contrast to the bishops on the king's side. The love and the hatred of Thomas were passions of intense depth, and he could call out both feelings in others in as great intensity as he felt them himself.

The intellect of Thomas was clearly one ranking very high in the second order of genius. He was not a creator. We should look in vain to him for anything original or comprehensive. He could never have left any such impress upon his age as did Hildebrand among popes, or Charles the Great among kings. His great qualities were an ardent and impetuous spirit, a practical energy which carried everything before him, an admirable versatility which could adapt itself to all circumstances and all people, and a lofty sense of duty which could support him under any amount of adversity and disappointment. His faults were chiefly the exaggeration of his virtues. His impetuosity often grew into needless and injudicious violence; his strong will continually degenerated into obstinacy. His biographers praise him for uniting the wisdom of the serpent with the harmlessness of the dove. We must confess that we can see in him very little of either dove or serpent; their other favourite quotation of "the righteous man bold as a lion,"

is very much more to the purpose. His enemies have accused him of pride and of duplicity. Doubtless he magnified his office to the extremist point; his long brooding over his wrongs at Sens and Pontigny imbued him with a fanatical spirit, and an overdone, almost frantic, longing for martyrdom. Yet how far the personal exaltation of Thomas of London was still thought of in procuring the triumph of the Archbishop of Canterbury and Legate of the Holy See, it is not for mortals to presume to judge. The charge of duplicity, which we are sorry to see brought on one occasion by so weighty a writer as Dean Milman, is, we think, without foundation. The faults of Thomas were the natural faults of his lofty and impetuous character, the faults of obstinacy and violence. But duplicity, conscious bad faith, was utterly alien to his nature. Once, possibly twice, in his life—certainly at Clarendon, perhaps also at Montmirail—he allowed himself to be talked over into conduct which he did not thoroughly approve. He repented; he drew back; in a certain sense he violated his promise; but he was not guilty of any deliberate deception. His conduct may be called either vacillating or obstinate, two qualities quite consistent with one another; it may be called over-scrupulous; it certainly was provoking and offensive; but we do not think it fairly deserves the name of double-dealing.

The whole character of Thomas strikes us as essentially secular. He was made for the court and the camp, not for the cathedral or the cloister. His episcopacy and his saintship strike us as mistakes. There was not a particle of hypocrisy in him; but the whole of his saintly career was artificial, unnatural, and overdone. His misfortune was to be born in an age, and in a class, to which the Church alone offered means of advancement. His first great advancement was indeed secular; he was a statesman and a soldier, not a priest; but, strangely enough, it was only his ecclesiastical character which allowed him to become a statesman and a soldier. His parentage was respectable, but no more; he was himself in no way ashamed of his descent, but it is clear that it was humble enough to be used as a means of disparagement by his enemies. The son of Gilbert Becket of London would, as a mere layman, have had little chance of presiding in the king's chancery or of commanding the king's armies.

Once tonsured, secular as well as ecclesiastical greatness was open to him. As chancellor he nearly cast off his clerical character. Strict men condemned the secular pomp of the great courtier and captain who was also Archdeacon of Canterbury and Provost of Beverley. But two things are to be remembered: first of all, he was not a priest. Loaded with preferment which now no deacon could hold, the terror of King Lewis and counsellor of King Henry remained ecclesiastically in that lowly order. A fighting archdeacon was a scandal, though Edward Grim seems to have thought otherwise; but the conduct of Thomas did not present the far greater scandal of a priest, one invested with the mysterious powers of sacrifice and absolution, casting off his spiritual character like Cæsar Borgia or Talleyrand. In modern estimation the difference between a priest and a deacon seems very slight; but, when once the full sacerdotal ideal is realised, it becomes something infinite. Secondly, though Thomas as chancellor led a thoroughly secular life, he did not lead either an irreligious or an immoral one. Looked on as a layman, he might almost, even then, have passed for a saint. That he already bared his back to the discipline does not prove very much, as Henry himself now and then did the same. But it is no small credit that a man, whose order debarred him from marriage, should, in a profligate court, have strictly preserved his personal chastity. How far he rebuked the king's vices we know not, but he resisted many strong temptations to share in them, and he was a severe censor of inferior offenders in the same line. At last came the moment of the great change. Thomas the Chancellor-Archdeacon is converted into Thomas the Archbishop. We have every reason to believe that the appointment was against his own wishes. He was as great as he could be in the line which best suited his powers, and he felt no desire to adventure himself in a line for which he must then at least have felt himself less fitted. He warned his master that, once archbishop, he should be sure to lose his favour. But Henry insisted on the appointment, and Thomas was ordained priest, and elected and consecrated Primate of all England.

And now came that great change by which, in the language of his biographers, he became another man. Was the change miraculous? Was it hypocritical? Or shall we say with Mr.

Froude that there was no sudden change at all? To us it seems merely the natural result of change of circumstances in a man of Thomas's character. He was not a man to do anything by halves; whatever master he served he served to the uttermost. As the servant of the king he was the most faithful of chancellors; as the servant of the Church he would be the most faithful of bishops. One at least of his biographers seems to have quite understood what is really no very wonderful phenomenon. Thomas was in all things a man of his own age; we never find him rising above it or sinking below it. He accepted without hesitation the current notion of a saintly prelate, and endeavoured to carry it out in his own person. The ideal ecclesiastic of his times was one who united the loftiest hierarchical pretensions with the most unbounded liberality and the severest personal mortifications. Into this ideal Thomas threw himself with characteristic fervour. His perfect sincerity no man can doubt who has studied at once human nature and the records of the time. But the change, though perfectly sincere, was still artificial; his saintship never sat quite easily upon him; with the zeal of a new convert he overdid matters. We at once see the difference between him and those holy personages whose sanctity has been the sanctity of a whole life, or those again who have been suddenly turned from notorious sinners into contrite-hearted penitents. . . . Thomas could be meek and gentle after a sort, yet always only by an effort; himself personally he could humble, as he did to his censor John of Salisbury; but the rights of his office, the cause of the Church, were never to be humbled by him. Throughout his life the garb of saintship never fitted him. Through his whole career the old Adam is perpetually peeping out: we see the spirit of former days when he tells his slanderer at Northampton that, were he a knight, his sword should assert his righteousness; when he is detected on the Flemish coast by his eye fixed on the hawk on the young noble's wrist; when, even in his last hour, after years of scourging and penance, the strong arm which had unhorsed Engelram de Trie threw Reginald Fitz-Urse prostrate upon the pavement of the cathedral. It peeps out in less excusable form in those words of reviling, rather than rebuke, from which he could not restrain himself even in the hour of confessorship and of

martyrdom. Had his early life been one of deeper sinfulness, his conversion might have brought a more chastened and truly mortified spirit to the service of his Maker. But a saintship artificial, though thoroughly sincere, had always something awkward and incongruous about it. If the Church really needed a champion, the lion-heart of Thomas was certainly less fitted for the office than the true union of dove and serpent to be found in his friend and monitor John of Salisbury.

Our estimate of Thomas's personal character ought not to be at all affected by modern notions, however well founded, as to the abstract justice of the cause which he maintained. The immunity of clerks from the jurisdiction of the civil power would now be justly considered monstrous in every well-governed country. All that is wanted is to show that it was a cause which might be honestly maintained in the twelfth century. And that it surely was. Thomas did not invent the ecclesiastical claims; he merely defended them as he found them. Even if the "Customs" were, which seems very doubtful, the established laws of the land, they were laws which a churchman of those days could at most submit to in patience, and could not be expected to approve or subscribe to. None of his fellow-bishops loved the Constitutions of Clarendon any better than Thomas did; they simply submitted through fear, some of them at least clearly against their own judgment. The most violent attack on Thomas ever penned, the famous letter of Gilbert Foliot, does not blame the archbishop for resisting the king, but for not resisting him more strenuously. And we must remember that, if the so-called liberties of the Church were utterly repugnant to our notions of settled government, they did not appear equally so in those times. The modern idea of government is an equal system of law for every part of the territory and for every class of the nation. In the middle ages every class of men, every district, every city, tried to isolate itself within a jurisprudence of its own. Nobles, burghers, knights of orders, wherever either class was strong enough, refused the jurisdiction of any but their own peers. Every town tried to approach as nearly as it could to the condition of a separate republic. A province thought itself privileged if it could obtain a judicial system separate from

the rest of the kingdom. Even within the ecclesiastical pale we find peculiar jurisdictions: orders, monasteries, chapters, colleges, shake off the authority of the regular ordinaries, and substitute some exceptional tribunal of their own. For the clergy to be amenable only to a clerical judicature was really nothing very monstrous in such a state of things. It was of course defended on totally different grounds from any other exemption; but it could hardly have arisen except in a state of things when exemptions of all kinds were familiar. And we must also remember that ecclesiastical privileges were not so exclusively priestly privileges as we sometimes fancy. They sheltered not only ordained ministers, but all ecclesiastical officers of every kind; the Church courts also claimed jurisdiction in the causes of widows and orphans. In short, the privileges for which Thomas contended transferred a large part of the people, and that the most helpless part, from the bloody grasp of the king's courts to the milder jurisdiction of the bishop. The ecclesiastical judicature was clearly inadequate to deal with the most serious class of offences; but, on the other hand, it did not, like that of the royal courts, visit petty thefts or assaults with such monstrous penalties as blinding and castration. One of the Constitutions of Clarendon, that which forbade the ordination of villains without the consent of their lords, was directly aimed at the only means by which the lowest class in the state could rise. And this constitution did not, as Dean Milman says, pass unheeded; on the contrary, it called forth an indignant burst of almost democratic sentiment from the French biographer of Thomas.

But while we do justice to Thomas, we must also do justice to Henry. Foreigner as he was, careless of special English interests, and stained as his life was by vices and faults of various kinds, Henry had still many of the qualities of a great ruler, and we have no reason to doubt that he was sincerely desirous for the good government of his kingdom. The civil wars of Stephen's reign had left England in a state of utter anarchy. This state of things King Henry and Chancellor Thomas set themselves to work in good earnest to undo. Their government did much to restore order and peace; but it is easy to see that, to restore perfect order and peace, no class of men must be allowed to break the law with

the certainty of an inadequate punishment. Thomas's own admirers state Henry's case very fairly, and do full justice to his motives. Herbert himself goes so far as to say that king and archbishop alike had a zeal for God, and leaves it to God Himself to judge which zeal was according to knowledge. No doubt both Henry and Thomas saw the evil, and each set himself vigorously to correct it in his own way. The number of clerical offenders was large, and some of their offences were very serious. Thomas, during the short time that he lived in England as archbishop, certainly did his best to strike at the root of the evil by unusual care as to those whom he ordained; and he also passed severe sentences, though of course not of life or limb, upon the offenders whom he sheltered from the royal vengeance. Still there can be no doubt that there were a good many churchmen in the kingdom for whom the gallows was the only appropriate remedy. Henry had a noble career before him, had he but adhered steadily to his own principles. The only danger was, that the full carrying out of those principles would have led to consequences which in the twelfth century would have been altogether premature. They involved not only the subjection of the clergy to the ordinary jurisdiction, but the throwing off of all dependence upon the See of Rome. This noble, but perhaps impracticable, cause Henry wilfully threw away. He let the contest degenerate from a strife of principles into a petty personal persecution of the archbishop. In the scene at Clarendon we see the clashing of two causes, both of which contained elements of right. In the scene at Northampton we see only a series of mean and malignant attempts to crush a man who had become offensive and dangerous. Henry was now the tyrant and Thomas the hero. By allowing his bishops to appeal to the pope, by appealing to the pope himself, Henry gave up his own cause. Nor did he mend it when he recognised the pope as arbiter whenever he thought him favourable, but, whenever he turned against him, denounced savage penalties on all who should introduce any papal letters into the kingdom. Henry, at the beginning at least, appears as the statesman of wider and clearer vision; but Thomas deserves the higher moral praise of sticking firmly and manfully to the principles which he conscientiously believed to be right.



And now for a few words on the closing scene. As usual, we find a heroic firmness, a lofty sense of right, mixed up with circumstances detracting from a purely saintly ideal. We admire rather than approve. We hold Thomas to have been highly blameworthy in returning to England amidst a storm of censures and excommunications; so did many of his wisest contemporaries. An amnesty on such a triumphal return would have been naturally expected from a secular conqueror; much more would it have become a minister of peace victorious in a bloodless struggle. But in the state of fanatic exaltation into which Thomas had now wrought himself, lenity would have seemed a crime which would incur the curse of Meroz; to have failed to smite the contumacious prelates would have been failing to come to the help of the Lord against the mighty. The quarrel in itself was not so frivolous an one as it seems in these days. The ancient right of the Primate of Canterbury to crown the English king seems to us a mere honorary privilege; it was a very different matter when a king was no king till he was crowned and anointed. And in the actual choice put before him, no one can wish that Thomas had chosen otherwise than he did. "Absolve the prelates; fly, or die." He would not fly; he had fled once; he would not again desert his church. As for the absolution, he was probably canonically right in saying that the pope alone could pronounce it; but a conditional absolution he did offer. Now, whether the sentence was just or unjust, wise or foolish, no public officer, bishop, judge, or any other, could be justified in withdrawing a solemn and regular judgment in answer to the bidding and threats of four ruffians armed with no sort of legal authority. To have absolved the bishops through fear of the words of Tracy and Fitz-Urse would have been unworthy cowardice indeed. That Thomas showed a most unhealthy craving after martyrdom cannot be denied; but a martyr he clearly was, not merely to the privileges of the church or to the rights of the See of Canterbury, but to the general cause of law and order as opposed to violence and murder.

EDWARD A. FREEMAN.

## JOHN BALL

THE men of Kent were not long behind their neighbours in Essex. At Dartford one of the collectors had demanded the tax for a young girl, the daughter of a tyler. Her mother maintained that she was under the age required by the statute; and the officer was proceeding to ascertain the fact by an indecent exposure of her person, when her father, who had just returned from work, with a stroke of his hammer beat out the offender's brains. His courage was applauded by his neighbours. They swore that they would protect him from punishment, and by threats and promises secured the co-operation of all the villages in the western division of Kent.

A third party of insurgents was formed by the men of Gravesend, irritated at the conduct of Sir Simon Burley. He had claimed one of the burghers as his bondman, refused to grant him his freedom at a less price than three hundred pounds, and sent him a prisoner to the castle of Rochester. With the aid of a body of insurgents from Essex the castle was taken, and the captive liberated. At Maidstone they appointed Wat the tyler of that town leader of the commons of Kent, and took with them an itinerant preacher of the name of John Ball, who for his seditious and heterodox harangues had been confined by order of the archbishop. The mayor and aldermen of Canterbury were compelled to swear fidelity to the good cause; several of the citizens were slain; and five hundred joined them in their intended march towards London. When they reached Blackheath their numbers are said to have amounted to one hundred thousand men. To this lawless and tumultuous multitude Ball was appointed preacher, and assumed for the text of his first sermon the following lines:

When Adam delved and Evé span,  
Who was then the gentleman?

He told them that by nature all men were born equal; that the distinction of bondage and freedom was the invention of their oppressors, and contrary to the views of their Creator; that God now offered them the means of recovering their liberty, and that, if they continued slaves, the blame

must rest with themselves; that it was necessary to dispose of the archbishop, the earls and barons, the judges, lawyers, and questmongers; and that when the distinction of ranks was abolished, all would be free, because all would be of the same nobility, and of equal authority. His discourse was received with shouts of applause by his infatuated hearers, who promised to make him, in defiance of his own doctrines, Archbishop of Canterbury, and Chancellor of the Realm.

JOHN LINGARD.

### VILLENAGE AND THE REVOLT OF THE BONDMEN

AND in this meane whyle ye commons of England rebelled, by the which the whole state of the realme was in great perill to be utterly destroyed and lost: and because ye shall understande the truth thereof, and that the rulers of the realme may prevent and foresee such lyke mischiefes as maye hereafter ensue, . . . consider how strange a thing it is, that of so pore and simple a foundation, so great a mischief should grow and insurge, as this ye foloweth.

There was and is an usage in England in many places, that the noble men and lords of manoures having fraunchises ought to have services of the commons, that is to say, that their tenants ought by custome to plow their landes, to gather and bring home their corne, and some to threshe and fanne, and to carie wood, and water, and dyvers suche other things, which they ought to doe by their tenure and service that they owe to their lordes. And lykewise there are another sort that holde their lands by villenage, and those are commonly called bondmen, of which kinde of people there were then many in England, and specially in the county of Kent, Sussex and Bedford.

At this time there were a certaine of such kinde of people as is aforesayde, that beganne to stirre in England and namely in Kent, and sayde they were in great servitude and bondage: But, sayd they, in the beginning of the worlde there were no bond men: neyther ought there to be any now, except it were such a one as had committed treason agaynst his lorde, as Lucifer did to God. But, sayde they, we can have no suche battayle, for we are neyther angelles nor spirites, but men framed and formed to the similitude of our lordes,

and therefore, sayde they, why should we then be so kept under lyke beastes and slaves? And they playnely sayde they would no longer suffer it, for they would be all one with their lordes, and if they labored or did anye thing for their lordes, they woulde have wages for the same as well as other.

RICHARD GRAFTON.

### THE GREAT CHARTER

THE great extent of the liberties and privileges granted or confirmed by this charter, and its superior importance as compared with the previous charters of the Norman kings, obtained for it the distinguishing name of Magna Charta, and has made it celebrated as a main bulwark of the constitution.<sup>1</sup> These liberties and privileges, rather indiscriminately placed in the charter, may be arranged into classes: those granted to the Church and clergy,—to the feudal lords or nobility and their vassals or tenants,—to cities, towns, and boroughs, and for the encouragement of trade,—those concerning the administration of justice,—those granted to the body of the people, as freemen, in extension of their rights and liberties, or in restraint of the royal prerogatives; and, lastly, axioms and principles of constitutional government, of imperishable importance. When these have been selected, there will remain some articles which were of a temporary character, to remove or redress then existing grievances, that had resulted from the illegal acts or the hostile conduct of John.

The opening article of the Great Charter relates to the Church. It is “in the first place granted to God, and by this our present charter confirmed, for us and our heirs for ever: That the English Church shall be free and enjoy her whole rights and her liberties inviolable. And we will have them so to be observed as it may appear that the freedom of elections, which was reckoned most necessary for the English Church, which we granted and confirmed by our charter, and obtained the confirmation of it from Pope Innocent III., before the discord between us and our barons, was of

<sup>1</sup> Sir Walter Raleigh calls the charter of Henry I. the Great Charter, and says that John confirmed it (*Privilege of Parliaments*).

our mere free will; which charter we will observe, and do will it to be faithfully observed by our heirs for ever."

That article is followed by a general grant "to all our freemen of our kingdom, for us and our heirs for ever, of all the under-written liberties, to have and to hold, to them and their heirs, of us and our heirs."

The first of the new liberties granted are those relating to the tenure of land under the feudal system, their purpose being to relieve the tenants in chief of the crown from the oppression of the king's prerogatives as Lord Paramount. These have lost their importance, and most of their interest, since the final extinction of the feudal system by act of parliament in the reign of Charles II. But they were directed to the mitigation of grievances at the time oppressive; and in a constitutional point of view they were important, as introducing law and certainty in place of undefined power. The remedies provided by the several articles suggest the abuses that prevailed, and give a picture of the relations then subsisting between the king and the nobles and their families.

The clauses connected with towns and with trade may be thus collected:

"10. Neither we nor our bailiffs shall seize any land or rent for any doubt, so long as there shall be chattels of the debtor upon the premises sufficient to pay the debt. Nor shall the sureties of the debtor be distrained, so long as the principal debtor is sufficient for the payment of the debt.

"11. And if the principal debtor fail in the payment of the debt, not having wherewithal to discharge it, then the sureties shall answer the debt; and, if they will, they shall have the lands and rents of the debtor until they shall be satisfied for the debt which they paid for him, unless the principal debtor can show himself acquitted thereof, against the said sureties.

"15. Concerning the aids of the city of London, there shall only be paid reasonable aids; and the city of London shall have all its ancient liberties and free customs, as well by land as by water.

"16. Furthermore, we will and grant that all other cities and boroughs, and towns and ports, shall have all their liberties and free customs.

"26. Neither a town, nor any person, shall be distrained

to make bridges over rivers, unless that anciently and of right they are bound to do it.

“ 28. All counties, hundreds, wapentakes, and trethings shall stand at the old farms, without any increase, except on our demesne manors.

“ 36. All weirs for the time to come shall be demolished in the rivers Thames and Medway, and throughout all England, except upon the sea-coast.

“ 38. There shall be one measure of wine and one of ale through our whole realm; and one measure of corn, that is to say, the London quarter; and one breadth of dyed cloth and russets and haberjects, that is to say, two ells within the list; and the weights shall be as the measures.

“ 45. All merchants shall have safe and secure conduct to go out of and come into England, and to stay there, and to pass as well by land as water; to buy and sell, by the ancient and allowed customs without any evil tolls, except in time of war, and when they shall be of any nation at war with us. And if there shall be found any such in our land in the beginning of a war, they shall be attached, without damage to their bodies or goods, until it may be known to us or our chief justiciar how our merchants be treated in the nation at war with us; and if ours be safe there, the others shall be safe in our land.”<sup>1</sup>

The articles which seem to be specially applicable to the body of the people, as freemen, are the following:

“ 30. If any freeman die intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by view of the Church, saving to every one the debts which the deceased owed him.

“ 31. No constable, or other bailiff of ours, shall take corn or other chattels of any man, unless he presently gives him money for it, or hath respite of payment from the seller.

“ 33. No sheriff or bailiff of ours, or any other, shall take horses or carts of any freeman for carriage, unless with the consent of that freeman.

“ 34. Neither shall we or our officers, or others, take any man's timber for our castles, or other uses, unless by the consent of the owner of the timber.

<sup>1</sup> A humane provision, which made foreign nations arbiters of the treatment of their own subjects.

“ 46. It shall be lawful for the time to come for any one to go out of the kingdom, and return safely and securely, by land or by water, saving his allegiance to us, unless in time of war, by some short space for the common benefit of the kingdom, except prisoners and outlaws (according to the law of the land) and people in war with us, and merchants who shall be in such condition as is above-mentioned.

“ 48. Men who dwell without the forest, from henceforth shall not come before our justiciars of the forest upon common summons, save such as are impleaded, or are pledges for any that were attached for something concerning the forest.

“ 51. All forests that have been so made in our own time shall forthwith be disafforested, and the like shall be done with the banks that have been put in defence by us during our reign.

“ 52. All evil customs concerning forests, warrens, and foresters, warreners, sheriffs and their officers, banks and their keepers, shall forthwith be inquired into in each county, by twelve sworn knights of the same shire, chosen by the good men of the same county; and within forty days after the said inquest shall be utterly abolished, so as never to be restored, so that we be first informed of it, or our justiciar if we are not in England.

“ 56. If any one hath been dispossessed or deprived by us, without the legal judgment of his peers, of his lands, castles, liberties, or right, we will forthwith restore them to him; and if any dispute arise upon this head, the matter shall be decided by the five-and-twenty barons hereafter mentioned for the preservation of the peace.

“ 59. No man shall be taken or imprisoned upon the appeal of a woman, for the death of any other man than her husband.”

But curious and interesting as is this body of redress, the chief value of Magna Charta, at the present day, are the fundamental principles or axioms of constitutional government which it embodied in laws or promulgated. These are as follows:

“ 14. No scutage or aid shall be imposed in our kingdom unless by the common council of our kingdom, except to redeem our person, and to make our eldest son a knight,

and once to marry our eldest daughter; and for these there shall only be paid a reasonable aid.

“ 17. And for the holding of the common council of the kingdom to assess aids (except in the three cases aforesaid) and for the assessing of scutages, we will cause to be summoned the archbishops, bishops, abbots, earls, and great barons of the realm singly by our letters; and furthermore, we will cause to be summoned in general, by our sheriffs and bailiffs, all others who hold of us *in capite*, at a certain day; that is to say, forty days (before their meeting) at least, and to a certain place; and in all letters of such summons we will declare the cause of the summons. And summons being thus made, the business shall proceed on the day appointed, according to the advice of such as shall be present; although all that were summoned come not.

“ 23. A freeman shall not be amerced for a small offence, but according to the degree of the offence, and for a great offence in proportion to the heinousness of it, saving to him his contenment;<sup>1</sup> and after the same manner a merchant, saving to him his merchandise; and a villain shall be amerced after the same manner, saving to him his wainage, if he falls under our mercy; and none of the aforesaid amerciaments shall be assessed but by the oath of honest men of the neighbourhood.

“ 24. Earls and barons shall not be amerced but by their peers, and according to the degree of the offence.

“ 25. No clerk shall be amerced for his lay tenement but according to the proportion of the aforesaid, and not according to the value of his ecclesiastical benefice.

“ 39. From henceforward nothing shall be given or taken for a writ of inquisition, from him that desires an inquisition of life or limb, but it shall be granted *gratis*, and not denied.<sup>2</sup>

<sup>1</sup> “Contenment,” according to Lord Coke, signifies *countenance*: and he says that the land of a freeholder, the armour of a soldier, and the books of a scholar, are their countenances. The reservation applies to such of the goods and chattels of the amerced as were indispensable to his rank or occupation. At the present day, tools of workmen are exempt from liability to distress for rent. The king defines his right to amerce the villain, if convicted of an offence against the law of the land.

<sup>2</sup> This writ is analogous to that of Habeas Corpus. Lord Coke describes it as the writ *de odio et atia*, which the Common Law gave to a man imprisoned for the death of a man, for the which without the king's writ he could not be bailed.



" 42. No bailiff for the future shall put any man to his law upon his single accusation without credible witnesses produced to prove it.<sup>1</sup>

" 43. No freeman shall be taken, or imprisoned, or disseised, or outlawed, or banished, or anyways destroyed; nor will we pass upon him nor send upon him, unless by lawful judgment of his peers or by the law of the land.<sup>2</sup>

" 44. We will sell to no man, we will not deny or delay to any man, right or justice."

The Great Charter concludes with a declaration that,—  
 "(68) we will not, by ourselves or others, procure anything, whereby any of these concessions and liberties be revoked or lessened; and if any such thing be obtained, let it be null and void, neither shall we ever make use of it, either by ourselves, or any other.

" 71. Wherefore we will and firmly enjoin, that the Church of England be free, and that all men in our kingdom have and hold the aforesaid liberties, rights, and concessions, well and in peace, freely and quietly, fully and wholly, to them and their heirs, of us and our heirs, in all things and places, for ever as aforesaid.

" 72. It is also sworn, as well on our part as on the part of the barons, that all the things aforesaid shall faithfully and sincerely be observed."<sup>3</sup>

<sup>1</sup> Under this word "bailiff" is comprehended every justice, minister of the king, steward, and bailiff.

<sup>2</sup> This extends to villeins, who were free against all, except their lord. As these celebrated clauses were altered in the Magna Charta of 9 Henry III., it will be useful to give them as they now stand in the statute-book:—

" Cap. XXIX. No Freeman shall be taken, or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we pass upon him nor condemn him, but by lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny or defer to any man either justice or right."

<sup>3</sup> The clauses omitted from this analysis of the Great Charter are as follows:—

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|---|--|
| 12. } Debts to the Jews.                                    | 61. The Welsh to be restored to their lands. |
| 13. }   | 62. Respites as to the Welsh.                |
| 53. Hostages delivered up.                                  | 63. Welsh hostages.                          |
| 55. Foreign soldiers to be sent out of the kingdom.         | 64. King of Scots.                           |
| 57. Respites, during the Crusades, for claims on the Crown. | 66. Security (mentioned afterwards).         |
| 58. Respite as to Forests, etc.                             | 67. Majority may act.                        |
| 60. Unlawful fines remitted.                                | 69. } Amnesty.                               |
|   | 70. }  |

When we consider the nature of these provisions, and reflect upon the constitutional principles they introduced or recognised, we can hardly estimate the value of Magna Charta too highly. The 14th and 17th articles established the principle of consent to taxation, and provided the means of ensuring its adoption—means which were in the course of time expanded into the full parliamentary Constitution of the present day. Those which provide that punishment shall be proportioned to the offence, and shall not be inflicted but by the lawful judgment of peers, or equals, of each rank,—that people shall not be deprived of their property by the arbitrary power of the Crown, without voluntary sale,—and that justice shall not be sold, or denied to any man,—whilst we shudder at the tyranny and oppression which required their enactment, make us confess that Magna Charta well deserves the admiration it has always obtained from the English people. “It is,” says Mr. Hallam, “the keystone of English liberty. All that has since been obtained is little more than a confirmation or commentary; and if every subsequent law were swept away, there would still remain the bold features that distinguish a free from a despotic monarchy.”<sup>1</sup>

Magna Charta is supposed to contain many of the laws of King Edward the Confessor, which the Saxons in their captivity so ardently desired; and after the grant of the Charter, the demand for the ancient laws ceased. But in those days it was easier to induce or to compel monarchs to grant charters, than to observe them when granted. The charters did not remove the actual power from the monarch; and it was left to his good faith, when the force which induced his submission was withdrawn, to abide by his grant or to disregard it. The barons were conscious of this insecurity, and they provided for it by a curious arrangement which appears in the Charter. It was granted that the barons

<sup>1</sup> Hallam's *Middle Ages*, vol. ii. p. 58. Sir James Mackintosh, in his *History of England*, has the following remark:—“Many parts of the Great Charter were pointed against the abuses of the power of the king as Lord Paramount, and have lost their importance since the downfall of the system of feuds, which it was their purpose to mitigate. But it contains a few maxims of just government applicable to all places and times, of which it is hardly possible to overrate the importance of the first promulgation by the supreme authority of a powerful and renowned nation.”

should choose twenty-five barons to "take care with all their might to hold and observe, and cause to be held and observed, the peace and liberties granted to them." And in case of any default, they were to repair to the king, or if out of the realm, his justiciar, "and, laying open the grievance, may petition to have it redressed without delay"; and if not redressed within forty days, the king granted that they "may distraint and distress us all the ways possible, namely, by seizing our castles, lands, possessions, and in any other ways they can, till the grievance is redressed according to their judgment, saving harmless our own person and the person of our queen and children; and when it is redressed, they shall obey us as before." It is clear from this provision that the constitutional maxim that "the king can do no wrong" had not yet arisen.

DAVID ROWLAND.

## INDUSTRIAL LIFE IN ENGLAND

THE progress of the industrial arts, by adding so much to the population and importance of the towns, made them a refuge to multitudes who were not at ease under the harsh treatment of the baron or the manorial landlord. Even the slave, as we have seen, if he could only manage to retain his footing for a year and a day in a town, became free. Additions were thus constantly made to the constantly increasing numbers in such places who would be born free. In the meanwhile the causes which had long tended to increase the number of comparatively free labourers, and free tenants, upon the soil, had therein increased the class of persons who would be sure to direct their thoughts, more or less, towards town life, as towns became distinguished by intelligence, wealth, and comfort. Even the abbey lands, in this view, became a normal school for citizens. The wars, too, of our Norman kings, especially those of Edward I. and Edward III., carried on as they were in a foreign land, disturbed all those feudal relations which had connected the people of England so immediately with its soil, and brought about a large amount of virtual manumission. Military life and feudal serfdom, or even feudal villeinage, were little compatible.

The service of the soldier, which took him from his home, and often out of the kingdom, detached him of necessity from predial servitude; and the service of the sailor was always felt, for the same reason, to be that of the freeman. In the fourteenth century this constant drifting of the population from the country to the town had so diminished the number of agricultural labourers, that great complaint arose on that ground; and when in 1349 the great pestilence diminished the hands left for such labour still more, the parliament began to take the question of employer and employed under its consideration, as the great question of the time.

The course taken by the parliament was, to fix the wages for all kinds of husbandry and handicraft, and to make it penal in any man to refuse to do the work required from him on the prescribed terms. At the same time, severe regulations were adopted against all begging by able-bodied men. To work for a given wage or to starve, was the alternative which these laws were intended to place before every working man. At first, wages were thus fixed wholly irrespective of the varying price of commodities. But subsequently, either better knowledge or better feeling disposed the legislature to amend its proceedings in this particular. But to the last, our parliaments, during this period, never seemed to doubt that they were more competent to judge than the parties themselves, concerning what the relation would be between master and man.

It was found, however, to be more easy to issue regulations on this subject than to secure obedience to them. The spirit of resistance appears to have been general and determined. Hence, in 1360, ten years later, the Statute of Labourers enjoined that no labourer should quit his abode, or absent himself from his work, on pain of imprisonment fifteen days, and of having the letter F fixed upon his forehead with a hot iron. It was further provided in this statute, that the town refusing to deliver up a runaway labourer should forfeit ten pounds to the king, and five pounds to the employer. In 1378 the commons repeat their lamentation over the general disregard of this statute. Husbandmen, they say, continue to fly to the great towns, where they become seamen, artificers, and clerks, to the great detriment

of agriculture. After another ten years, we find the same assembly deploring the same evil, in the same terms, and endeavouring to correct it by new penalties. So far did our parliaments carry their meddling in such things in those days, that they determined the kinds of food the labourer should eat, and the quality of the cloth that he should wear.

These facts are all significant. They not only show us what were the notions of political economy prevalent with our legislators in those days, but, what is much more material, they show us that the great mass of working men in town and country had now come to be free men, claiming the right to take their labour to the market that should be most to their advantage. In this fact we have a great social revolution.

Our House of Commons does not appear to advantage in their manner of dealing with this question. It should have seen, that to become a party to such laws in relation to industry, was to become a mere tool in the hands of the Upper House. The rod of feudalism was visibly broken, and these commoners belonged to the class of men who had broken it. Consistency required that they should have done their best to strengthen the work of their own hands. But, in common with many timid reformers, they appear to have become alarmed at their own success. It was this middle-class caution which disposed them to take the side of the barons, when they should have taken the side of their dependents.

Not that the rate of wages in those times, as compared with the price of commodities, was such as to constitute a serious ground of complaint. Indeed, it is hardly to be doubted that the working men of England in the fourteenth century were better able to sustain a family by their earnings than the same class of men among ourselves. If the most competent judges are right, in supposing the population of England in those times to have been less than three millions, we have only to remember the drain that was made on that population by almost ceaseless wars, and by occasional pestilence, to feel assured that labour must then have been a commodity of high value. This fact may suggest that the condition of the industrial classes in England under our Norman kings, could hardly have been so degraded as it is sometimes said to have been, and may suffice to explain how

the people of this country came to be distinguished by that feeling of independence, and that passion for freedom, which is so variously, and so generally attributed to them by ancient writers. In such a state of society, the servile class would be too valuable as property, not to be on the whole well treated, and everything would naturally tend to hasten the extinction of such service. One of the most cautious of our historians, after the most careful investigation of the subject, supposes a penny in the time of Edward III. to have been equal to two shillings of our present money. The Statute of Labourers, accordingly, which, in 1350, fixed *threepence* a day, without food, for a reaper in harvest time, determined that the pay for such service should be in reality equal to six shillings a day. At other times, the wages were no doubt something lower, but rarely so low as not to leave the condition of the husbandman one of comparative comfort. Hence animal food was more or less common on the tables of working men, and to this cause Sir John Fortescue attributes the strength and courage which made the English so superior to the French. In the time of Henry VI. a penny was not worth more than sixteen pence of our money; but the wages of the reaper, and of a common workman employed in building, were in nearly the same proportion above the average in the time of Edward III. It is to be remembered, too, that in those times, neither rich nor poor were accustomed to look on many of the luxuries or comforts familiar to us as at all necessary. The probability seems to be, that the artisan and labouring classes under the Plantagenets, were on the whole better fed, better clothed, and better housed than the majority of the same class in our time. There is much, in the descriptions of the common people of this country in our old historians and poets, especially in the pages of Chaucer, to sustain this view.

So, by slow degrees, the children of the soil of England rose in influence, and in the consciousness of possessing it. The Saxon element again became ascendant in our history, and the feudal element declined. It was the work of a single generation to give completeness to the feudal system in this country. It was the work of many generations so far to displace it.

We have seen that the Saxon and Danish periods in

English history were in many respects unfavourable to the progress of industrial art; and the same may be said of the times which followed, until something more than a century has passed. But we have now reached the point when two probabilities concerning the future of this country become perceptible. England now promises to be a great industrial power, and a power of much influence in Continental affairs. The nation has become one, is comparatively free, and the land is covered with myriads of men busy in constructing ships, in creating towns, in rearing castles and cathedrals, in adorning palaces, and bent on competing in artistic skill with the most favoured states. The ships of all countries float in the seaports of England; and the English merchant, visited by traders from all lands in his own mart, is greeted in his turn in the marts of distant nations. The influence of this industrial power on the intelligence, the liberty and the religion of the nation remains to be considered; while, in regard to foreign politics, the relations which subsisted between our Norman kings and France, continued long enough to raise this growing unity and wealth of England into the place of a new power in the affairs of Europe.

VAUGHAN.

### A SOLDIER'S LETTER OF 1422

To the Kyng oure Soverain Lord,

Besechith mekely youre poure liegeman and humble horatour Thomas Hostell, that in consideration of his service doon to your noble progenitours of ful blessid memory King Henri iiiijth and Kyng Henri the fift, whoos soules God assoille; being at the Siege of Harflewe, there smyten with a springolt through the hede, lesing his oon ye, and his cheke boon broken; also at the Bataille of Agingcourt, and after at the takyng of the Carrakes on the See, there with a gadde of yren his plates smyten in sondre, and sore hurt, maymed and wounded; by meane whereof he being sore febeled and debrused, now falle to greet age and poverty; gretly endetted; and may not helpe himself; havyng not wherewith to be susteyned ne releved but of menes gracious almesse; and

being for his said service never yit recompensed ne rewarded, it plesse your high and excellent Grace, the premises tenderly considered, of your benigne pitee and grace, to releve and refresh your said pouere Oratour, as it shal plesse you, with your most gracious Almesse at the reverence of God and in werk of charitee; and he shall devoutly pray for the soules of your said noble Progenitours, and for your moost noble and high estate.

ELLIS: *Original Letters.*

## THE THREE ESTATES

### WARS OF THE ROSES

DURING this time the king called a parliament, in the city of Coventry, in the which the Duke of York and all his confederates were attainted of high treason, and their goods and lands confiscated and forfeited: and to prohibit their landing in all parts, haven towns were watched, and the sea coasts were garnished with beacons. And Sir Simon Montfort with a great crew, was appointed to keep the Downs, and the five Ports, and all men passing into Flanders, were, upon pain of death, prohibited to pass by Calais, lest the lords there, should borrow of them any money, as they did, pressed of the marchantes of the staple late before, which was a great displeasure to y<sup>e</sup> king and a more corasey to the quene. The lordes lying at Calais, were not ignorant of all these doings and provisions, but daily were ascertained what was done in the king's privy chamber: wherefore first they sent a company to Sandwyche which conquered the town, and apprehended Sir Simon Montford, and brought him with all his mates to the Haven of Calais, where incontinent, he with xij. of his chief fellows, lost their heads on the sands, before Risebank. After the king's navy gained, and his captains on the arrival of the sea taken and destroyed, the lords living at Calais, hoping in their friends within the realm determined to pass the sea and to land in England. And after they had put the castle and town of Calais in sure and safe custody to their only use, they passed the sea and landed at Sandwich. And so passing through Kent, there came to them the lord



Cobham, John Guildford, William Peche, Robert Horne, and many other gentlemen, which conveyed them to the city of London. But the fame of their landing once known, gentlemen repaired and yeomen resorted out of all the southern partes of the realm: upon which rumour Thomas lord Scales, a man in great favour with the king and queen, accompanied with the Earl of Kendale, a Gascoyn, and the Lord Lovel, resorted to London with a great company of armed men; declaring to the mayor of the city, that their repair only was to defend, and keep the city from the spoil and robbery of such traitors, as the king was credibly informed would thither make access. To whom the mayor answered, that he well knew both his own oath, and bounden duty toward his sovereign lord and prince, and needed neither of prompter nor yet of co-adjutor; either to defend or govern the city to him committed in charge. With which answer, the Lord Scales and his associates not a little displeased, entered into the Tower of London, daily with new inventions, doing displeasures and damages to the citizens of the city whom they sore suspected rather to favour than to hate, the Earles of March and Warwick and others of their band and affinity. Which earles with a great army came shortly to London, and were of the mayor and citizens joyously received, to whom resorted the Archbishop of Canterbury, the bishops of London, Ely and Exeter with many prelates and religious persons. These lords nothing slacking the purpose that they came for, daily consulted and assembled together in the house of the Friars Franciscan within the city. After long debating, and secret consultation had, it was agreed, that they with their whole puissance should march forward towards the king: determining either by force or fair means to bring their purpose to a conclusion. When this council was dissolved, the Earls of March and Warwick, Thomas Lord Faulconbridge, Henry Lord Bouchier, called Earl of Eue, with a great number of men which came out of Kent, Essex, Surrey and Sussex to the number as some persons affirm of 25,000 persons departed from London, towards the king lying at Coventry, then called the queen's secret arbour, leaving behind them to keep the Londoners in their fidelity from reverting from their part, the Earl of Salisbury, the Lord Cobham, and Sir John

Wenlock: which Lord Cobham with certain aldermen of the City, so kept the west side against the Tower, and Sir John Wenlock with others so vigilantly watched the east part towards St. Katharines, that no person either could issue out or enter in to ye great displeasure of the Lord Scales and his company, which daily shot their ordonance out and had likewise great ordonance shot at them, to the hurt and no pleasure of both parties. The king not ignorant of all these doings, assembled a great army and accompanied by the Duke of Somerset, which was lately come from Guisnes, and the Duke of Buckingham, and divers other great lords of his party and faction came to the town of Northampton where the queen encouraged her friends, and promised great rewards to her helpers: for the king studied nothing but of peace, quiet and solitary life. When the king's host was assembled, and that the queen perceived that her power was able to match with the forces of her adversaries, she caused her army to issue out of the towne and to pass the river Nene, and there in the new field, between Harsington and Sandiford, the captains strongly emparked themselved with high banks and deep trenches. The Earl of March being lusty, and in the flower of his courageous youth—lying betweene Towcester and Northampton, determined to set on the king's army without longer protracting of time. In the night-season he removed his camp towards Northampton, and in marching forward set his men in good order of battle, whereof the vanguard was conducted by the Earl of Warwick, which either by stealth or strength, malgré the Lord Beaumont, which kept a straight going towards the king's camp, entered freshly, and began the battle about vij. of the clock, the ix. day of July. After whom followed the Earl of March with the banner of his father. This fight continued in doubtful judgment till the hour of nine, at which time the king's army was profligate and discomfitted, and of the same, slain, and drowned in the river few less than 10,000 tall Englishmen, and the king himself left alone disconsolate, was taken and apprehended, as a man born and predestinate to trouble, misery and calamity.

. . . . .

ARTICLES OF AGREEMENT BETWEEN KING HENRY VI.  
AND RICHARD DUKE OF YORK

AFTER long arguments made and deliberate consultation had among the peers, prelates and commons of the realm: upon the Vigil of All Saints, it was condescended and agreed by the thre Estates, for so much as King Henry had been taken as king by the space of xxxviii. years and more, that he should enjoy the name and title of King and have possession of the realm during his life naturall: and if he either died or resigned or forfeited the same, for infringing any point of this concord, then the said crown and authority royal, should immediately bee divoluted to the Duke of York, if he then lived or else to the next heir of his line or lineage, and that the duke from thenceforth should be protector and regent of the land. Provided all-ways that if the king did closely or aptly study or go about to break or alter this agreement to compass or imagine the death or destruction of the said duke or his blood, then he to forfeit the crown, and the Duke of York to take it. The articles, with many other, were not only written, sealed and sworn by the two parties, but also enacted, in the High Court of Parliament. For joy whereof, the king having in his company the said duke rode to the Cathedral Church of Saint Paul, within the city of London and there on the Day of All Saints, went solemnly with the diadem on his head, in procession, and was lodged a good space after in the bishop's palace near to the said Church. And upon the Saturday next issuing, Richard Duke of York was by the sound of a trumpet solemnly proclaimed heir apparent to the crown of England and protector of the realm.

After this the parliament kept at Coventry the last year was declared to be a devilish council and only celebrate for the destruction of the nobility; and no lawful parliament because they which were returned were never elected according to the due order of the law, but secretly named by them which desired more the destruction than the enhancement of the public wealth and common profit. When these agreements were done and enacted, the king dissolved his Parliament which was the last parliament that ever he ended. . . . The Duke of York well knowing, that the queen would

spurn and impugn the conclusions agreed and taken in this parliament, caused her and her son to be sent for by the king; but she being a manly woman, using to rule and not be ruled, and thereto counselled by the Dukes of Exeter and Somerset, not only denied not to come but also assembled together a great army, intending to take the king by fine force, out of the lords' hands, and to set them to a new school. The protector living in London, having perfect knowledge of all these doings; assigned the Duke of Norfolk and the Earl of Warwick, his trusty friends to be about the king, and he with the Earls of Salisbury and Rutland: with a convenient company departed out of London, the second day of December—Northward, and sent to the Earl of March his eldest son to follow him with all his power. The duke by small journeys came to his castle of Sandall, beside Wakefield on Christmas Eve, and there began to assemble his tenants and friends. The queen being thereof ascertained, determined to couple with him while his power was small and his aid not come. And so having in her company, the prince her son, the Dukes of Exeter and Somerset, the Earl of Devonshire, the Lord Clifford, the Lord Rosse and in effect all the lords of the north part, with eighteen thousand men, or as some write twenty two thousand, marched from York to Wakefield, and bade base to the duke even before his castle, he having with him not fully five thousand persons, determined incontinent to issue out and to fight with his enemies, and although Sir Davy Halle, his old servant and chief counsellor avised him to keep his castle and to defend the same with his small number, till his son the Earl of March were come with his power of Marchmen and Welsh soldiers. Yet he would not be counselled but in a great fury said "O Davy, Davy, hast thou loved me so long and now wouldest have me dishonoured. Thou never sawest me keep fortress when I was Regent in Normandy, when the Dauphin himself with his puissance came to besiege me, but like a man and not like a bird enclosed in a cage, I issued and fought with mine enemies to their loss, ever (I thank God) and to my honour. If I have not kept myself within walls for fear of a great and strong prince, nor hid my face from any man living, wouldest thou that I for dread of a scolding woman, whose weapon is only her

tongue, and her nails should incarcerate myself and shut my gates then all men might of me wonder and all creatures may of me report dishonour, that a woman hath made me a dastard, who no man ever to this day could yet prove a coward: And surely my mind is, rather to die with honour than to live with shame for of honour cometh fame, and of dishonour riseth infamy. Their great number shall not appal my spirits, but encourage them, for surely, I think that I have there as many friends as enemies, which at joining will either fly or take my part. Therefore, advance my banner. In the name of God and Saint George, for surely I will fight with them though I should fight alone."

*HALL's Chronicle.*

## SUPPRESSION OF THE MONASTERIES

### JOHN LONDON TO LORD CROMWELL

IN my most humble manner I have me comēdyd unto your gudde Lordeshipp, as your most boundon orator and servant. I have not so moche rasyd Howses I have be at as I perceve the Kings Grace and your Lordeschippe ys informyd, and hadde rasyd noon saving for the words of suche Comissions as I have to schew, and dydd nott extremely so do butt wher necessitee compellyd me by reason of the importunytie of the people, wich els wold have pilledd all so as the Kings Grace schulde have hadde no profytt of those Howses; and in every place I savyd the hole ledd unto the Kings Graces use, and the hole plate. Yet have I be in som very beggarly Howses, as now I am at oon, the Whyte Fryers in Northampton, wher all they have ys nott able to pay ther detts. And bravely I will reheresse what I dydd in eury Howse.

At Reding I dydd oonly deface the Church; all the windoes being full of Fryers; and left the roff and wallys hole to the Kings use. I solde the ornaments and the sellys in the dorter and certen utensyls wiche els wold have be stolen as dyvers were indede.

At Aylesbury, I founde them very powr and in dett. Ther ornaments wor very coursse and very litill stuff of howshold.

Ther I oonly solde the glasse wyndoes and ther ornaments with ther vtensyles. I left the Howse hole and oonly defaced the Church. Ther the hole church ys well coveryd, with ledd, and a gudd new roff.

At Bedford, I dydd sell the ornaments of ther church and certen vtensiles. All the ledde I savyd with certen vtensyles, because I myzt leve them in saff custody with Mr. Gostwike.

At Stamford, I left in the Grey Fryers all ther brewyng vessels, and ther kechyn stuff wasse so gud that I cowde gete butt viijs for all. I solde ther ornaments and glasse of ther church with certen stuff, and solde no glass in the Grey, Whyte, or Blacke Fryers, saving oonly in ther churches. At the Austen Fryers I sold all there glasse, for els all wold have be stollyd, ffor it stondesth owt of the town. In thre Fryers ther I sold ther brewyng vessels wich wer very ny worn.

In Coventry, I dydd partly rase that Howse of the Gray Fryers, thou after the powr people lay so sore vpon ytt. Butt the Whyte Fryers I dydd litill vnto.

At Warwick, the Fryers Howse ys withowt the town, an olde ruynose howse and no ledd butt gutters and the coueryng of the steple. Ther I defacyd the church wyndoes and the sellys of the dorter as I dydd in euery place saving in Bedford and Aylisbury wher were few byars. I pullyd down no Howse thorowly at noon of the Fryers: butt so defacyd them as they shuld not lyztly be made Fryerys agen.

At Tellisford Crosse Fryers, I have oonly recyvyd the surrendere: and have left the Howse with all the stuff in safe custody with the late mynyster and oon of the Kings seruants dwelling therbye. In that Howse I must farther know your Lordships pleasur or I do any more, as by my servant I shall shortly more at lengeth expresse every thing. Ther wasse a fonde fasschon of Idolytrye. In the body of the Church wasse an Image at an Awters end callyd Mayden Cutbrogh, and vnder her feete wasse a trowgh of wodde descending undre the Awter wich wasse hollow. Thyder resortyd suche as were trobelyd with the hedde ache, or hadde any slottiche wydowes lockes, viz. here growen to gether in a tuft. Ther must they putt in to the trowgh a peckke of oots, and when they wer oons slydyd vndre the Awter, the Crosse Fryers schuld behynd the Awter pryvily stele them owt, and the sykk person must give to the Fryer a peny for

a pynte of these Maydon Cutbrogh oots, and then ther heds schuld ak no more till the next tyme. I have pullyd downe thys Idoll with herre manage.

At Northampton, I fynd the Prior of Augustyns lyk a Fryer, and oon of the most unthrifits that yet I have mett with all: yet have I found butt few trew or gud, and amongs many blessyd reformations don by the Kings Grace, I suppose thys be nott the lest, vtterly to suppress theis Fryars, in whom I fynd so moch dissymylation as may be in men. I trust to bring all ther falshudds here to lyzt, butt in the mean tyme I am fayne to sett the Prior and almost all hys brethern in warde. They have delyuered owt of ther Howse all ther plate and gudd stuff, and made billes of sale and knowledging of receipt of certen sommys of money wher they receyvyd, nor owzt, oon peny, and all to disseyve the Kinge. I have in some of those billes her enclosyd, and moo I will have or I depart, and have agen the best stuff I saw yet, and more I trust to have. Howbeit by hys own confession he made away thys yere above a C<sup>ii</sup> plate. He ys a great lyar and a gyvelar [shuffler].

I will hensforth deface no Howse unless I have your or the Kings Grace speciall comāundment. Butt then if ther be no Surveyor to do ytt immedyatly or som suer man to inhabitt the same, the Howsys will be so spoyld as litill profytt will com of them. I thowzt I dydd for the beste in defacinge those Howses, and have to the Kings Grace use above all, dispacchyng of the Fryers, payng ther detts and rewarding every oon of them, savyng also all the coveryng and wallys of the Howses, as well in ledde, slatt, as tyle, and my chardges of expens born, and all the plate also thorowly savyd whole to the Kings use, CC<sup>ii</sup> and above in gudd gold. And have also savyd to the Kings use the best ornaments wher any were with all. I will now owt of hand upon All Halon tyde send vppe or I execute any of these commissions last sent from your Lordeschippe to me. For I have a great dele of gudd plate wiche I wold fayn be dischargyd of. Thus I besech your Lordeschipp to take my powr meanyng in gudd partt intending to my littell powr to serve the Kings Grace, and so I dowbt nott butt his Majesty will accept my doings when his Grace knowith what beggarly and crafty merchants I have to be occupyed with all. And most humble I do thank

your gudd Lordeshippe for your gudnes and gudd mediation vnto hys most noble Grace for me, and shalbe during my liff your assured seruant and orator vnto Almyztie Godd long to preserue your gudd Lordeshipp with increse of moch honor. At Northampton, XXIX. Octobris.

Your most bovndon orator and seruant,

JOHN LONDON.

ELLIS: *Original Letters.*

### PILGRIMAGE OF GRACE

ABOUT this time began to flourish Thomas Cromwell, a blacksmith's son of Putney, whom King Henry first raised to be Master of the Jewel House, then Baron of Okeham, then Earl of Essex, then Lord Great Chamberlain, and lastly, ordained him Vicar General over the Spirituality. Cardinal Woolsey had been his great friend. This great Cromwell procured it to be enacted in parliament, that the Lord's Prayer, Creed, and Ten Commandments should be read in the English tongue. Other matters also, tending to reform the English Church from the Roman corruptions, were attempted by Cromwell, which did not at all please the monks and their party. The Lincolnshire men began a commotion under the leading of one Mackerel a monk, who named himself Captain Cobler. A copy of their grievances they sent to the king; some of which were, the suppression of many religious houses, whereby the service of God, they said was minish'd: the king's taking into his council men of low birth, who fought for their own lucre: that there were divers bishops lately preferred, that had subverted the Faith of Christ: that by reason of their loss of sheep and cattle they were not able to pay the Quindecim, or tax granted to the king, etc. But these rioters the king soon pacified with good words.

In whose steads others arose up immediately, for forty thousand rustics assembled in Yorkshire, furnished with horse, armour, and artillery. Their pretence was religion, and defence of Holy Church. Their banners were painted with the five wounds of Christ, the chalice, cake, and other Romish inventions. This their rebellion they termed the



Holy Pilgrimage. Their general of foot was one James Diamond, a poor fisherman, stiled the Earl of Poverty; their chief leader was Mr. Robert Aske, a man it seems of terror: for when Lancaster, Herald at Arms, was sent to him, to declare the king's message, this Aske did so terribly bluster forth his answers, that the herald fell before him on his knees, excusing himself to be but a messenger. Many persons of great note were parties in this insurrection. And to draw the more into his side with them, Aske and his complices set forth in writing many scandalous untruths against the king.

Their oath wherein they bound themselves in this league, was the preservation of the king's person and issue; the purifying of nobility, and expulsion of villain blood, and evil counsellors; nor for any to enter into their pilgrimage, or any private commodity, but for the common weal, the restitution of the Church and suppression of heresy and heretics. But a great force being drawn against them, they dispersed themselves upon promise of pardon and redress in their just complaints; yet notwithstanding this the king's clemency, some of the chief of these actors engaged themselves again in a new insurrection in short time after this; for which offence they suffered death. Of ecclesiastical persons were put to death, four abbots, two priors, three monks, seven priests; also Captain Mackerel, and of temporal persons were executed, Robert Aske, the Lord Dacres, Sir Robert Constable, Sir Francis Bigod, Palmer, Pierce, Hamilton, Tempest, and Lumley.

These stirs being stinted, a commission came forth to purge the churches of idols, and to suppress the monasteries to the king's use, granted him by parliament. When down went the Rood of Boxely in Kent, commonly called the Rood of Grace, which was made with divers devices to bow down and lift up itself, to shake and to stir both head, hands and feet, to roll the eyes, move the lips, and to bend the brows, thereby to cheat silly souls. So likewise the images of our Lady of Walsingham and Ipswich, set with jewels and gems; also divers others, both of England and Wales, were brought to London, and many of them burnt before the Lord Cromwell at Chelsea, A.D. 1538.

HOWELL.

## SUPPRESSION OF THE MONASTERIES

BISHOP TANNER, before entering on his laborious account of of the several monastic institutions, gives us in his preface the following general description of the character and pursuits of the monasteries, and of the effects of their establishments. I beg you, my friends, to keep, as you read Bishop Tanner's description, the description of Hume constantly in your minds. Remember, and look now and then back at his charges of "supine idleness," "profound ignorance," want of all "emulation and all manly and elegant knowledge"; and above all things remember his charge of selfishness, his charge of "frauds" to get money from the people. The bishop speaks thus upon the subject:

"In every great abbey there was a large room called the Scriptorium, where several writers made it their whole business to transcribe books for the use of the library. They sometimes, indeed, wrote the leiger books of the house, and the missals, and other books used in Divine service, but they were generally upon other works, viz., the Fathers, Classics, Histories, etc., etc. John Whethamsted, abbot of St. Albans, caused above eighty books to be thus transcribed (there was then no printing) during his abbacy. Fifty-eight were transcribed by the care of one abbot at Glastonbury; and so zealous were the monks in general for this work, that they often got lands given and churches appropriated for the carrying of it on. In all the greater abbeys, there were also persons appointed to take notice of the principal occurrences of the kingdom, and at the end of every year to digest them into annals. In these records they particularly preserved the memoirs of their founders and benefactors, the years and days of their births and deaths, their marriages, children and successors; so that recourse was sometimes had to them for proving persons' ages and genealogies; though it is to be feared that some of those pedigrees were drawn up from tradition only, and that in most of their accounts they were favourable to their friends and severe upon their enemies. The constitutions of the clergy in their national and provincial synods, and (after the Conquest) even acts

of parliament, were sent to the abbeys to be recorded; which leads me to mention the use and advantage of these religious houses. For, first, the choicest records and treasures in the kingdom were preserved in them. An exemplification of the charter of liberties granted by King Henry I. (Magna Charta) was sent to some abbey in every county to be preserved. Charters and Inquisitions relating to the county of Cornwall were deposited in the priory of Bodmin; a great many rolls were lodged in the abbey of Leicester and priory of Kenilworth, till taken from thence by King Henry III. King Edward I. sent to the religious houses to search for his title to the kingdom of Scotland, in their leigers and chronicles, as the most authentic records for proof of his right to that crown. When his sovereignty was acknowledged in Scotland, he sent letters to have it inserted in the chronicles of the abbey of Winchcomb and the priory of Norwich, and probably of many other such-like places. And when he decided the controversy relating to the crown of Scotland, between Robert Brus and John Baliol, he wrote to the Dean and Chapter of St. Paul's, London, requiring them to enter into their chronicles the exemplification therewith sent of that decision. The learned Mr. Selden hath his greatest evidences for the dominion of the narrow seas belonging to the king of Great Britain from monastic records. The evidences and money of private families were oftentimes sent to these houses to be preserved. The seals of noblemen were deposited there upon their deaths. And even the king's money was sometimes lodged in them. Secondly, they were schools of learning and education; for every convent had one person or more appointed for this purpose; and all the neighbours that desired it might have their children taught grammar and church music without any expense to them. In the nunneries also young women were taught to work and to read English and sometimes Latin also. So that not only the lower rank of people who could not pay for their learning, but most of the noblemen's and gentlemen's daughters were educated in those places. Thirdly, all the monasteries were, in effect, great hospitals, and were most of them obliged to relieve many poor people every day. There were likewise houses of entertainment for almost all travellers. Even the nobility and gentry, when

they were upon the road, lodged at one religious house and dined at another, and seldom or never went to inns. In short, their hospitality was such, that in the Priory of Norwich one thousand five hundred quarters of malt and above eight hundred quarters of wheat, and all other things in proportion, were generally spent every year. Fourthly, the nobility and gentry provided not only for their old servants in these houses by corrodies, but for their younger children and impoverished friends, by making them first monks and nuns, and in time priors and prioresses, abbots and abbesses. Fifthly, they were of considerable advantage to the crown: (1) By the profits received from the death of one abbot or prior to the election, or rather confirmation, of another. (2) By great fines paid for the confirmation of their liberties. (3) By many corrodies granted to old servants of the crown, and pensions to the king's clerks and chaplains, till they got preferment. Sixthly, they were likewise of considerable advantage to the places where they had sites and estates: (1) By causing great resort to them, and getting grants of fairs and markets for them. (2) By freeing them from the forest laws. (3) By letting their lands at easy rates. Lastly, they were great ornaments to the country: many of them were really noble buildings, and though not actually so grand and neat, yet perhaps as much admired in their times as Chelsea and Greenwich Hospitals are now. Many of the abbey churches were equal, if not superior, to our present cathedrals; and they must have been as much an ornament to the country, and employed as many workmen in building and keeping them in repair, as noblemen's and gentlemen's seats now do." <sup>1</sup>

The tomb of Alfred was in an abbey at Winchester, founded by that king himself.<sup>2</sup> The abbey and its estates were given by the tyrant (Henry VIII.) to Wriothesley, afterwards made Earl of Southampton, who got a pretty good share of the confiscations in Hampshire. One almost sickens at the thought of a man capable of a deed like the destruction of this abbey. Where is there one amongst us who has read

<sup>1</sup> Tanner, *Notitia Monastica* (ed. Nasmith).

<sup>2</sup> This was Hyde Abbey, Winchester.

any thing at all who has not read of the fame of Alfred? What book can we open, even for our boyish days, that does not sound his praise? Poets, moralists, divines, historians, philosophers, lawyers, legislators, not only of our own country but of all Europe, have cited him, and still cite him, as a model of virtue, piety, wisdom, valour and patriotism, as possessing every excellence without a single fault. He, in spite of difficulties such as no other human being on record ever encountered, cleared his harassed and half-barbarised country of horde after horde of cruel invaders, who at one time had wholly subdued it and compelled him, in order to escape destruction, to resort to the habit and the life of a herdsman. From this state of depression he, during a not long life, raised himself and his people to the highest point of happiness and of fame. He fought, with his armies and fleets, more than fifty battles against the enemies of England. He taught his people by his example as well as by his precepts, to be sober, industrious, brave and just. He promoted learning in all the sciences; he planted the University of Oxford; to him, and not to a late Scotch lawyer, belongs "Trial by Jury." Blackstone calls him the founder of the Common Law; the counties, the hundreds, the tithings, the courts of justice, were the work of Alfred. He, in fact, was the founder of all those rights, liberties and laws which made England to be what England has been, which gave her a character above that of other nations, which made her rich and great and happy beyond all her neighbours, and which still give her whatever she possesses of that pre-eminence. If there be a name under heaven to which Englishmen ought to bow with reverence approaching towards adoration it is the name of Alfred. And we are not unjust and ungrateful in this respect at any rate, for, whether Catholics or Protestants, where is there an Englishman to be found who would not gladly make a pilgrimage of a thousand miles to take off his hat at the tomb of this maker of the English name? Alas! that tomb is nowhere to be found. The barbarians spared not even that. It was in the abbey before mentioned, called Hyde Abbey, which had been founded by Alfred himself and intended as the place of his burial. Besides the remains of Alfred this abbey contained those of St. Grimbald, the Benedictine monk, whom Alfred

brought into England to begin the teaching at Oxford. But what cared the plunderers for remains of public benefactors? The abbey was knocked down or blown up, the tombs were demolished, the very lead of the coffins was sold.<sup>1</sup>

COBBETT.

### THREE PASTON LETTERS

*To my full special good master, JOHN PASTON*

WORSHIPFUL Sir, and my full special good master, after humble recommendation, please it you to understand, that such service as I can do to your pleasure, as to mine understanding, I have showed my diligence now this short season since your departing, and in special about such a copy of a foundation, as your mastership commanded me to get you a copy of; of the which I send unto you at this time, by my brother William Worcester, three copies written by Luket, because I had no leisure, but so much business in setting forth of my Master of the Rolls; at this time, and in all this king's days, ye can have none other according (agreeing) anything to your intent. . . .

Item, Sir, I may say to you, that William hath gone to school, to a Lombard called Karoll Giles, to learn and to be read in poetry, or else in French, for he hath been with the same Karoll every day two times or three; and hath bought divers books of him, for the which as I suppose he hath put himself in danger (debt) to the same Karoll.

I made a motion to William to have known part of his business, and he answered and said he would be as glad and as fain of a good book of French, or of poetry, as my master Fastolf would be to purchase a fair manor; and thereby I

<sup>1</sup> The abbey of Hyde was surrendered some time apparently in the spring of 1538. John Capon or Salcot, the last abbot, although made bishop of Bangor in 1534, had been allowed to remain commendatory abbot of the monastery, and upon his surrender of the house and revenues to Henry he was rewarded by a translation to the richer see of Salisbury. The extensive buildings, church and monastery of Hyde Abbey quickly disappeared. One Richard Bethel had a lease of the site for the express purpose of destroying them; and so thoroughly did he do his work that a few years only after the dissolution, when Leland the antiquary visited the place, they had apparently already to a great extent vanished.

understand he list not to be communed withal in such matters.

Item, Sir, as for any tidings, William can tell you here at London are but full few, but Henry Bouchier is dead suddenly at Ludlow; my Lord of Canterbury and my Lord Bouchier shall be this week at Hunsdon, and hunt and sport them with Sir William Oldhall.

At this time, nothing else to your mastership, but and it please you to remember my master at your best leisure, whether his old promise shall stand, as touching my preferring to the Boar's Head in Southwark; Sir, I would have been at another place, and of my master's own motion he said that I should set up in the Boar's Head, in the which matter I report me to William Worcester, Bocking and William Barker, and most specially to my master's own remembrance: I know full well there can no conclusion be taken to mine avail without help of your mastership, and the which I utterly submit me in this and in all other; and our Lord Jesu preserve you and all yours, and send you your heart's desire with right.

Written at London on Sunday next after Saint Bartholomew's day in haste.

By your servant,

HENRY WYNDESORE.

LONDON, *Sunday, August, before 1459.* 38 H. VI.

*To my right worshipful husband, JOHN PASTON, be this delivered in haste*

RIGHT worshipful husband, I recommend me to you, desiring to hear of your welfare; praying you to weet that Sir Thomas Howes purveyed four dormants (beams) for the drawte chamber, and the malthouse, and the brewery, whereof he has bought three, and the fourth, that shall be the longest and greatest of all, he shall have from Heylesdon, which he saith my master Fastolf shall give me, because my chamber shall be made therewith. As for the laying of the said dormants, they shall be laid this next week because of the malthouse, and as for the remanent I trow it shall abide till

ye come home, because I can neither be purveyed of posts nor of boards not yet.

I have taken the measure in the drawte chamber, there as ye would your coffers and your cowntewery should be set for the while, and there is no space beside the bed, though the bed were removed to the door, for to set both your board and your coffers there, and to have space to go and sit beside; wherefore I have purveyed that ye shall have the same drawte chamber that ye had before, thereas ye shall lye to yourself; and when your gear is removed out of your little house, the door shall be locked, and your bags laid in one of the great coffers, so that they shall be safe, I trust.

Richard Charles and John Dow have fetched home the child from Rockland Tofts, and it is a pretty boy, and it is told me that Will is at Blickling with a poor man of the town; a young woman that was some time with Burton of this town sent me word thereof; I pray you send me word if ye will that anything that ye will be done to him ere ye come home. Richard Charles sendeth you word that Willes hath been at him here, and offered him to make him estate in all things according to their indenture, and if he do the contrary ye shall soon have word.

My mother prayeth you for to remember my sister, and to do your part faithfully ere ye come home to help to get her a good marriage; it seemeth by my mother's language that she would never so fain to have been delivered of her as she will now.

It was told here that Knivet, the heir, is for to marry; both his wife and child be dead, as it was told here; wherefore she would that ye should inquire whether it be so or no, and what his livelihood is and if ye think that it be for to do, to let him be spoken with thereof.

I pray you that ye be not strange of writing of letters to me betwixt this and that ye come home, if I might I would have every day one from you. The blessed Trinity have you in his keeping. Written at Norwich on the Tuesday next after the conversion [of] Saint Paul (January 25).

By yours,

MARGARET PASTON.

NORWICH, *Tuesday, January*, sometime before 1459. 38 H. VI.



*To his right worshipful brother, JOHN PASTON, be this  
letter delivered*

AFTER due recommendation had, please you to weet that we come to London upon the Tuesday by noon next after our departure from Norwich, and sent our men to inquire after my Lord Chancellor and Mr. John Stokes, and Malmesbury. And as for my Lord Chancellor, he was departed from London, and was rode to the king two days ere we were come to London; and as we understand he hasted him to the king, because of my Lord Rivers being taken at Sandwich, etc.

[Then follows a long account of private business which is here omitted.]

As for tidings, my Lord Rivers was brought to Calais and before the lords with eight score torches and there my Lord of Salisbury rated him, calling him, "Knave's son, that he should be so rude to call him and these other lords traitors; for they should be found the king's true liegemen when he should be found a traitor, etc."

And my Lord of Warwick rated him, and said "that his father was but a squire, and brought up with King Henry V. and since made himself by marriage, and also made a lord; and that it was not his part to have such language of lords being of the king's blood.

And my Lord of March rated him in like wise.

And Sir Anthony was rated for his language of all the three lords in like wise.

Item, the king cometh to London ward, and as it is said, rereth (raiseth) the people as he come; .but it is certain there be commissions made into diverse shires, that every man be ready, in his best array, to come when the king send for him.

Item, my Lord Roos is come from Guisnes.

No more, but we pray to Jesu have you in his most merciful keeping. Amen.

Written at London the Monday next after St. Paul's day,

Your brother,

WILLIAM PASTON.

LONDON, Monday, 29th of January, 1459. 38 H. VI.

## THE SWEATING SICKNESS

IN this same yéere a new kind of sickenes inuaded suddenlie the people of this land, passing through the same from the one end to the other. It began about the one and twentieth of September, and continued vntill the latter end of October, being so sharpe and deadlie, that the like was neuer heard of to anie mans remembrance before that time.

For suddenlie a deadlie burning sweat so assailed their bodies and distempered their bloud with a most ardent heat, that scarce one amongst an hundred that sickened did escape with life: for all in maner as soone as the sweat tooke them, or within a short time after yéelded the ghost. Beside the great number which deceased within the cite of London, two maiors successiuellie died within eight daies and six Aldermen. At length, by the diligent obseruation of those that escaped (which marking what things had doone them good, and holpen to their deliuerance, vsed the like againe). When they fell into the same disease, the second or third time, as to diuerse it chanced, a remedie was found for that mortall maladie, which was this. If a man on the day time were taken with the sweat, then should he streight lie downe with all his clothes and garments, and continue in his sweat foure and twentie houres, after so moderate a sort as might be.

If in the night he chanced to be taken, then should he not rise out of his bed for the space of foure and twentie houres, so casting the clothes that he might in no wise prouoke the sweat, but lie so temperatlie, that the water might distill out softlie of the owne accord, and to absteine from all meat if he might so long suffer hunger, and to take no more drinke neither hot nor cold, than would moderatelie quench and asswage his thirstie appetite. Thus with lukewarme drinke, temperate heate, and measurable cloaths manie escaped: few which vsed this order (after it was found out) died of that sweat. Marie one point diligentlie aboue all other in this cure is to be obserued, that he neuer did put his hand or feet out of the bed to refresh or coole himselfe, which to doo is no lesse ieopardie than short and present death. Thus this

disease comming in the first yeare of king Henries reigne, was iudged (of some) to be a token and signe of a troublous reigne of the same king, as the prooffe partlie afterwards shewed it selfe.

HOLINSHED.

### THE NORFOLK RISING

IN Norfolk the first rising was at Aldborough. It appeared in its origin too contemptible to deserve notice: but it formed the nucleus round which the discontented of the neighbouring parishes successively arranged themselves; and as soon as they amounted to a formidable number, Ket, by trade a tanner, but the lord of three manors in the county, proclaimed himself their leader. He planted his standard on the summit of Moushold Hill, near Norwich, erected for himself a throne under a spreading oak, which he called the Oak of Reformation, and established courts of chancery, king's bench, and common pleas, in imitation of the courts in Westminster Hall. In his proclamations he complained, that the commons were ground to the dust by the oppression of the rich; and that a new service had been forced on the people in opposition to the conviction of their consciences; and declared that, if he and his associates had taken up arms, it was for the sole purpose of placing trusty and noble counsellors round the king during his minority, and of removing those "who confounded things sacred and profane, and regarded nothing but the enriching of themselves with the public treasure, that they might riot in it during the public calamity." Obeyed by twenty thousand men, he treated the offer of a pardon with scorn; and when the Marquess of Northampton had entered Norwich with one thousand English horse, and a body of Italians under Malatesta, he attacked the city, set one part of it on fire, killed the lord Sheffield and one hundred men, and compelled the marquess and his followers to retire out of the county. The council was alarmed and embarrassed; troops were recalled from the army in Scotland; the gentlemen of the neighbouring counties were ordered by proclamation to join the royal

forces; and the command was given first to the protector, and afterwards to the Earl of Warwick. That nobleman, with eight thousand men, of whom two thousand were German horse, forced his way into Norwich, yet so incessant were the insurgents in their attacks, so lavish were they of life, that they often drove the gunners from the batteries, burst open the gates, and fought with the royalists in the streets. The earl commanded his followers to swear on their swords that they would never abandon the place; and by his perseverance was at last enabled to attain his object, of removing the enemy from their advantageous position. Compelled by want of provisions, Ket descended from the hill: in Dussingdale he was overtaken by the royal army, his followers were broken up by the charge of a large body of regular cavalry, and about two thousand men perished in the action and the pursuit. The remainder, however, surrounded themselves with a rampart of waggons, and a trench fortified with stakes; and to an offer of pardon replied, that they knew the fate which awaited them, and that it was better to perish by the sword than by the halter. The earl, still apprehensive of the result, spoke to them himself: at his solicitation they accepted a general pardon; and the severity of the law was confined to the execution of Ket on Norwich Castle, of his brother on the steeple of Windham, and of nine others on the nine branches of the Oak of Reformation. It is to these events that we owe the institution of the lords lieutenants of counties, who were now appointed to inquire of treason, misprision of treason, insurrections and riots, with authority to levy men, and lead them against the enemies of the king.<sup>1</sup>

## LINGARD.

<sup>1</sup> Strype, ii. 178. At this time, July 2nd, the king by proclamation fixed the prices of cattle. I shall extract a few instances:

	From July to November.	November to Christmas.	Christmas to Shrovetide.
	£ s. d.	£ s. d.	£ s. d.
A fat ox of largest bone	. 2 5 0	2 6 8	2 8 4
A steer or runt, ditto	. 1 5 0	1 6 8	1 8 4
A heifer, ditto	. 1 2 0	1 3 0	

A fat sheep, large of bone, 4s. till Michaelmas, afterwards 4s. 4d. See Strype, ii. 151.

## THE ARMADA

A SPEECH MADE BY QUEEN ELIZABETH (OF FAMOUS MEMORY)  
IN PARLIAMENT, ANNO 1593: AND IN THE THIRTY-FIFTH  
YEAR OF HER REIGN, CONCERNING THE SPANISH INVASION

MY Lords and Gentlemen,

This kingdom hath had many wise, noble, and victorious princes; I will not compare with any of them in wisdom, fortitude, or any other virtues; but saving the duty of a child, that is not to compare with his father in love, care, sincerity, and justice, I will compare with any prince that ever you had, or shall have.

It may be thought simplicity in me, that, all this time of my reign, I have not sought to advance my territories, and enlarge my dominions; for opportunity hath served me to do it. I acknowledge my womanhood and weakness in that respect; but though it hath not been hard to obtain, yet I doubted how to keep the things so obtained; and I must say, my mind was never to invade my neighbours, or to usurp over any; I am contented to reign over my own, and to rule as a just princess.

Yet the King of Spain doth challenge me to be the quarreller, and the beginner of all these wars; in which he doth me the greatest wrong that can be, for my conscience doth not accuse my thoughts, wherein I have done him the least injury; but I am persuaded in my conscience, if he knew what I know, he himself would be sorry for the wrong, that he hath done me.

I fear not all his threatenings; his great preparations and mighty forces do not stir me; for though he come against me with a greater power than ever was his invincible navy, I doubt not (God assisting me, upon whom I always trust) but that I shall be able to defeat and overthrow him. I have great advantage against him, for my cause is just.

I heard say, when he attempted his last invasion, some upon the sea-coast forsook their towns, and flew up higher into the country, and left all naked and exposed to his entrance: but, I swear unto you, if I knew those persons, or any that should do so hereafter, I will make them know and feel what it is to be so fearful in so urgent a cause.

The subsidies you give me, I accept thankfully, if you give me your good wills with them; but if the necessity of the time, and your preservations, did not require it, I would refuse them; but let me tell you that the sum is not so much, but that it is needful for a princess to have so much always lying in her coffers for your defence in time of need, and not be driven to get it, when we should use it.

You that be lieutenants and gentlemen of command in your counties, I require you to take care that the people be well armed, and in readiness upon all occasions. You that be judges and justices of the peace, I command and straightly charge you, that you see the laws to be duly executed, and that you make them living laws, when we have put life into them.

SOMERS' *Tracts*.

## RETURN OF MARY STUART

To extort from Mary Stuart the abandonment of her pretensions to the crown of England, and for this alone, Elizabeth had encountered the cost and peril of the Scottish war; yet even Lord James, who of all the Scots was least careless of his obligations, ventured to write to her after leaving his sister, on the point on which she was most sensitive; and to reveal in language of which the hesitation of expression could not obscure the meaning, the part which he and his countrymen were prepared to play.

The Queen of Scots had claimed a present right to Elizabeth's throne; the commissioners at Leith had resigned those pretensions in her name; and the Scots themselves were of all men in the world the last who should have countenanced her in evading her engagements. But their hungry pride was too strong for their honour.

"You are two young and excellent queens," Lord James wrote to Elizabeth, "whose sex will not permit you to advance your glory by war and bloodshedding. You ought to love each other. Neither of you both is ignorant from what root the contrary affection doth proceed. I wish to God the queen my sovereign had never taken in hand to pretend interest in, or claim title to, your majesty's realm.

Then you should have been and continued friends. But since on her part something hath been thought of it, I fear that unless that root is removed it shall ever breed unkindness. Your majesty cannot yield, and she may on the other part think it hard, being so nigh of the blood of England, so to be made a stranger from it. Is there any midway possible? I have thought long of it but never durst speak of it. What if your majesty's title did remain untouched as well for yourself as for the issue of your body? Inconvenient were it to provide that to the queen my sovereign her own place was reserved in the succession to the crown of England—which your majesty will pardon me if I take to be next by the law of all nations, as she that is next in lawful descent of the right line of King Henry VII.; and in the meantime the isle to be united in perpetual friendship?"<sup>1</sup>

"I will acknowledge your present rights," Mary Stuart virtually said to Elizabeth, "when you will acknowledge me your successor, and not till then": and in this language it was plain that all parties in Scotland—treaty or no treaty—were prepared to support her.

If it be asked why Elizabeth should have made a difficulty in consenting, the answer was but too ready. The "inconvenience" of which Lord James spoke, would in all likelihood have been her immediate assassination.

Already it had been found necessary to surround her with precautions against poison. Not an untasted dish might be brought to her table; not a glove or a handkerchief might approach her person which had not been scrutinised; and she was dosed weekly with supposed antidotes. In spite of precaution, the secret adherents of France, of the Papacy, and of the Queen of Scots, held places in the royal household, and attended in the royal bedchamber. With the prize of the succession once secured, the Catholics would have made haste with their opportunity, lest Elizabeth should marry and destroy their hopes.

More peremptorily than ever therefore Throgmorton was now instructed to demand the ratification of the treaty. On

<sup>1</sup> Lord James Stuart to Queen Elizabeth, August 6: *Scotch MSS. Rolls House*. This letter was written before Mary's return to Scotland, though several months after Lord James was at St. Dizier. It may be taken to represent the feelings of the most moderate members of the Scotch Estates.

this condition, and this alone, could Elizabeth look forward without misgiving to Mary Stuart's return. As boldly Mary Stuart refused. While the ground was shaking about her she had made pretexts for delay. Secure now of her subjects' support, she was able to answer resolutely that she could not act in such a matter without their consent; and Throgmorton, who understood both her and her position to the very letter, implored Elizabeth to lose no time and spare no money in recovering the attachment of the reforming lords in Scotland. Perilous schemes were on foot for a marriage between the Queen of Scots and Don Carlos of Spain. The English Catholics were longing for it; De Quadra had urged it upon Granvelle as the one true remedy for all evils. "Your jealousy," wrote Throgmorton, "must be cast upon Spain, Austria, and the Queen of Scotland. There lieth the danger and nowhere else. Retain the best party in Scotland, and no prince nor state can do you harm. If Scotland be at your devotion, oh! happy England. It is the most happy state in Christendom."

Elizabeth unfortunately was still struggling in De Quadra's bird-nets. As late as the 15th of July, Cecil deplored the increasing credit with her of the Spanish ambassador. There were secrets between them which he could not penetrate; only he knew that De Quadra "seemed to seek by all means overt and covert to further the marriage," and "to procure the Lord Robert to have evil thoughts of himself." Matters were so "perilous" that he scarcely dared to write about them. "Happy they," he exclaimed, "that live *extra tali jacturam*."

At this time Europe believed Elizabeth hopelessly abandoned to a passion which was dragging her to disgrace. The Huguenot leaders had ceased to rest their hopes on her; and Mary Stuart anticipated nothing but a splendid and speedy triumph.<sup>1</sup> To the reiterated demands of Throgmorton for the ratification, she replied at last that she would send M. d'Oysel to London with a satisfactory answer. D'Oysel went, but he carried with him instead of satisfaction a

<sup>1</sup> "By the Prince of Condé and the admiral, and by others of reputation for virtue and learning, it hath been told me that the good opinion conceived of her majesty for her religion, virtue, and wisdom, doth much decay; and that the great good devotion borne her aforesaid doth marvellously turn. The causes you can guess."—Throgmorton to Cecil.



request merely that the Queen of Scots on her way to Edinburgh might be allowed to pass through England. Elizabeth was not yet entirely infatuated. To have allowed a Catholic princess, a rival claimant of her crown, who in defiance of promises was obstinately maintaining her pretensions, to pass three hundred miles through a population the most notoriously Romanist in the realm, and with many of whom the Queen of Scots was already in communication, would have been an act of political suicide. D'Oysel professed in Mary Stuart's name the utmost cordiality and goodwill; but the single evidence of goodwill which Elizabeth could receive was withheld. She replied that when the treaty was ratified she would receive her sister with pleasure; so long as the ratification was refused, smooth words could not be taken in exchange for it, and could scarcely be believed to be sincere.

D'Oysel himself was but half faithful to his employer; he allowed the English council to see how just he considered their suspicions. A letter of the Queen of Scots to Maitland fell into their hands, in which she invited him to undo his work and break the alliance with England which he had been the chief instrument in forming. The position which the Scots were prepared to assume gradually forced itself on Elizabeth's mind; and before the French ambassador left London, she herself, or Cecil in her name, gave the Estates at Edinburgh to understand her opinion of their conduct.

She had dealt openly with them, she said, as all the world knew; she had saved their freedom and defended their religion; while she had asked for nothing for herself and had meddled with nothing. The treaty was a witness of her disinterestedness; and the Queen of Scots had promised that it should be ratified.

"Nevertheless," she continued, "how it happeneth we know not, your sovereign—either not knowing in this part her own felicity, or else dangerously seduced by perverse council—being of late at sundry times required by us, according to her bond remaining with us, signed with her own hand, and sealed with the great seal of the realm, and allowed by you being the Estates of the same, to ratify the said treaty, maketh such dilatory answers thereto as what we shall judge thereof we perceive that it is meet to require of you. Her answer dependeth, as it should seem by her

words, upon your opinion; and we cannot but plainly let you all understand that this manner of answer, without some more fruit, cannot long content us. We have meant well to our sister your queen, and having promised to keep good peace with her and you her subjects, we have hitherto observed it, and shall be sorry if either she or you shall give us contrary cause. In a matter so profitable to both the realms, we think it strange that your queen hath no better advice. We therefore require you all, being the Estates of that realm, to consider this deeply and make us answers whereto we may trust; and if you think it meet that your queen shall leave the peace imperfect by breaking of her solemn promise contrary to the order of all princes, we shall be well content to accept your answer, and shall be as careless to see the peace kept as ye shall give us cause; and we doubt not by the grace of God that whosoever of you shall incline thereto shall soonest repent."

After this admonition—as natural as it was imprudent—to the Scots, Elizabeth dismissed d'Oysel, bidding him return and tell his mistress to come to England when her promise had been fulfilled, and find all hospitality and assistance there. Till that was done, with all regret for the seeming discourtesy, her duty to herself and to the realm compelled her to refuse the Queen of Scots' request.

Mary Stuart was evidently unprepared for the answer; she had anticipated a semi-regal progress through the northern counties. She was mortified to find she was not to see them, save under conditions which would have turned her triumph into a defeat. She wrapped her disappointment in a sentimental mist; she represented herself as a harmless widow, "impeached of her passage"; and both she and the queen-mother assailed Throgmorton with all the resources of feminine ingenuity. The ambassador coldly adhered to his commission; to passionate reproaches he had but one answer—"Ratify the treaty"; and at length, when hard pressed, he told Catherine de Medici that "the insincere dealing of the Queen of Scots was too plain and palpable, and his mistress could not suffer a matter so dangerous to herself and her state to pass unprovided for."

It was now uncertain whether Mary Stuart might attempt the passage of the Channel. The attitude which she had

chosen to assume was an act of war against Elizabeth; and to seize her and carry her prisoner to London would have been consistent with the strictest interpretation of the law of nations. The English court no doubt hoped that the fear alone might detain the Queen of Scots in France; and Mary herself told Throgmorton that had her arrangements been less advanced, Elizabeth's unkindness might have induced her to postpone her journey. With the deprecating pathos of which she was so accomplished a mistress, she said that if she was driven by foul weather into an English port, her sister would have her in her hands, to sacrifice her if she was hard-hearted enough to desire it. It might be better for her to die than to live.

Ever graceful, ever charming, never losing an opportunity of winning an Englishman's heart, she embraced the ambassador at her last parting from him at Abbeville, and asked him again if there was no way by which she could gain her sister's confidence.

Once more the hard-hearted Throgmorton, immovable as flint, replied, "Ratify."

Thus they parted. Unable to take the English route, the brave woman had resolved to sail direct for Leith, running all risks, and believing that with the escort of three of her uncles and of d'Amville the heir of the Montmorencies, Elizabeth would not dare to meddle with her.

She was going, cost her what it might—going on an errand which cannot now be separated in remembrance from its tremendous end; and Mary Stuart's name will never be spoken of in history, however opinions may vary on the special details of her life, without sad and profound emotion.

She was not yet nineteen years old; but mind and body had matured amidst the scenes in which she had passed her girlhood. Graceful alike in person and in intellect, she possessed that peculiar beauty in which the form is lost in the expression, and which every painter therefore has represented differently.

Rarely perhaps has any woman combined in herself so many noticeable qualities as Mary Stuart; with a feminine insight into men and things and human life, she had cultivated herself to that high perfection in which accomplishments were no longer adventitious ornaments, but were wrought

into her organic constitution. Though luxurious in her ordinary habits, she could share in the hard field life of the huntsman or the soldier with graceful cheerfulness; she had vigour, energy, tenacity of purpose, with perfect and never-failing self-possession; and as the one indispensable foundation for the effective use of all other qualities, she had indomitable courage. She wanted none either of the faculties necessary to conceive a great purpose, or of the abilities necessary to execute it, except perhaps only this, that while she made politics the game of her life, it was a game only, though played for a high stake. In the deeper and nobler emotions she had neither share nor sympathy.

Here lay the vital difference of character between the Queen of Scots and her great rival, and here was the secret of the difference of their fortunes. In intellectual gifts Mary Stuart was at least Elizabeth's equal; and Anne Boleyn's daughter, as she said herself, was "no angel." But Elizabeth could feel like a man an unselfish interest in a great cause; Mary Stuart was ever her own centre of hope, fear or interest; she thought of nothing, cared for nothing, except as linked with the gratification of some ambition, some desire, some humour of her own; and thus Elizabeth was able to overcome temptations before which Mary fell.

Yet at the present crisis even the moral balance was in favour of the Scottish queen. While her sister in England was trifling with an affection for which foolish is too light an epithet, Mary Stuart, when scarcely more than a girl, was about to throw herself alone into the midst of the most turbulent people in Europe, fresh emerged out of revolution, and loitering in the very rear of civilisation; she was going among them to use her charms as a spell to win them back to the Catholic Church, to weave the fibres of a conspiracy from the Orkneys to the Land's End, prepared to wait, to control herself, to hide her purpose till the moment came to strike; yet with a purpose fixed as the stars to trample down the Reformation and to seat herself at last on Elizabeth's throne.

"Whatever policy," said Randolph of her, "is in all the chief and best-practised heads in France, whatever craft, falsehood, or deceit is in all the subtle brains of Scotland, is either fresh in this woman's memory, or she can fette it with a wet finger."

J. A. FROUDE.

## STEERE'S COMPLAINT

(1597)

EXAMINATION OF ROGER SYMONDS OF HAMPTON GAY

*January 8, 1597.*

MET Bartholomew Steere, who asked him how he did this hard year, and how he maintained his wife and children, having seven sons, told him he did so by hard work, and could hardly find them bread and water. Steere replied, "Care not for work, for we shall have a merrier world shortly; there be lusty fellows abroad, and I will get more, and I will work one day and play the other," adding, that there was once a rising at Enslow Hill, where they were entreated to go down, and after they were hanged like dogs but now they would never yield, but go through with it; that he knew where there was harness for 100 men; that servants were so held in and kept like dogs, that they would be ready to cut their masters' throats, and that Sir William Spencer had two sound fellows in his house. Made the less account of these speeches as when he went to market, he commonly heard the poor people say that they were ready to famish for want of corn, and thought they should be forced by hunger to take it out of men's houses.

Steere also said that there were one hundred who would come out of Witney, and that there was a mason who could make balls of wild-fire, and had a sling to fling the same, whereby he could fire houses as occasion should serve; also that there was a farmer who had eighty quarters of corn, and that poor men could not have a bushel under 4*s.* 2*d.*, and their want of 2*d.* was often the occasion of their not having any; but if they would come to him, he would sell them some at 4*s.*; that there was an armourer in Thame, who knew where the best armour was in Oxfordshire; that when they had risen they would go to Lord Norris', and get wine and beer, and take two of his brass ordnance, and set them upon coach-wheels, and so proceed. Refused to go with him, and said he had always lived like an honest man, and this was the way to undo himself and family.

Discovered all this to Mr. Berry, examine's landlord, on his return from Northampton fair, and he hardly believed it; told him John Horne and Wm. Dowley, two of his own men, talked of it, whereupon Mr. Berry examined all his servants. Horne was angry, and wished to charge examine with the matter.

Steere said that when they were up, the London apprentices would join them; that they would murder Mr. Power, as also Mr. Berry and his daughter, and spoil Rabone the yeoman, George Whilton, Sir Henry Lee, Sir Wm. Spencer, Mr. Frere and Lord Norris, and then go to London, and that it would only be a month's work to over-run the realm; and that the poor once rose in Spain, and cut down the gentry, since which they had lived merrily. . . .

*Calendar of State Papers.*

## THE DECAY OF TILLAGE

COMPLAINT OF DR. W. JAMES, DEAN OF DURHAM,  
TO LORD BURGHEY

THE decay of tillage and dispeopling of villages offends God by spoiling the Church, dishonours the prince, weakens the commonwealth, etc., etc., but it is nowhere so dangerous as in the northern parts. The inhabitants' arms were wont to be the strength walls, but now there are open gaps; want and waste have crept into Northumberland, Westmorland and Cumberland; many have to come sixty miles from Carlisle to Durham to buy bread, and sometimes for twenty miles there will be no inhabitant. In the bishopric of Durham, five hundred ploughs have decayed in a few years, and corn has to be fetched from Newcastle, whereby the plague is spread in the northern counties; thus the money goes, and the people can neither pay their landlords nor store their ground. By this decay, the queen loses five hundred horsemen, who were bound with their servants to be ready armed at an hour's warning. Also those that remain have to bear the burden of the five hundred decayed. Of 8000 acres lately in tillage, now not eight score are tilled; those who sold corn have to buy, and colleges and cathedrals

are impoverished, because tenants cannot pay their rents; then whole families are turned out, and poor borough towns are pestered with four or five families under one roof. I beg the setting of these ploughs again, and present this to you in the absence of the bishop, who tenderly affects this cause. . . .

DR. WILLIAM JAMES, DEAN OF DURHAM, TO SECRETARY CECIL

DURHAM, *January 16.*

WHEN I departed for these parts, you wished me to write you, but I have forborne, on account of your weighty occupations. This poor country and city far excels any other so big in poverty, and is very backward in religion, there being two hundred recusants, esquires, gentlemen, and others of meaner calling, who are indicted, besides others not yet proceeded against.

Since I came the bishop has thrice sat in the high commission; those convented before us generally refuse all conference, and though to reclaim them we offered to take some of the better sort into our own houses for instruction, all were obstinate; only one gentlewoman has reformed herself. Some we cannot get at, and some are removed into other counties. We must endeavour their amendment, and pity their blindness, but pride and insolence may not be endured. "I fear they expect that which it were better that there were not one of them left in England than they should ever see."

The poverty of the country arises from decay of tillage; in the bishopric five hundred ploughs have decayed within fifty years; in Northumberland, great villages are depeopled, and no man to stop the enemy's attempt, and people are driven to the poor port towns. If corn were not brought in at Newcastle, which now has the plague, thousands would perish for want of bread. These things will not be redressed without help; other things are in good order.

*Calendar of State Papers.*

## SHAKESPEARE'S LONDON

THE first thing to be realised is the size of Shakespeare's London. In our time London has become so extended, that its original limits—the walls of the city—have become almost as obliterated in consciousness as the walls themselves are in fact. The circuit of the walls may be approximately realised by recalling the names of the principal gates which gave egress and ingress by the chief roadways;—beginning at the Tower of London, we can recall the existing names of Aldgate, Bishopgate, Moorgate, Cripplegate, Aldersgate, Newgate, Ludgate. This circuit, somewhat in the shape of a stretched bow, measured 2 miles and 200 yards. In ancient times there was a wall extending along the base of this circuit, defending the city on the river side, but in Shakespeare's time this wall—the string, as it were, of the stretched bow—had almost completely disappeared, and the south side of Thames Street consisted of wharves, warehouses, and other buildings. From Aldgate there were suburbs stretching as far as Whitechapel. "Both sides of the street," wrote John Stow, the contemporary of Shakespeare, "be pestered with cottages and alleys, even up to Whitechapel Church, and almost half a mile beyond it, into the common field; all which ought to be open and free for all men. But this common field, I say, being sometime the beauty of this city on that part, is so encroached upon by building of filthy cottages, and with other purpressors, enclosures and laystalls (notwithstanding all proclamations and acts of parliament made to the contrary), that in some places it scarce remaineth a sufficient highway for the meeting of carriages and droves of cattle." There were inconsiderable suburbs on the north; on the north-west there were streets and dwellings around Smithfield and Clerkenwell, but the chief extension was along the river, east and west. A continuous line of buildings stretched from Temple Bar to Westminster, along the river front, consisting chiefly of palaces and mansions. On the east, from the Tower, stretched a tapering finger of dwellings beyond Ratcliffe. Stow greatly deprecated these additions on the east side. He remarks that from the



precinct of St. Katherine's by the Tower to Wapping, "was never a house standing within these forty years"; but alas! now a continual street reached, "almost to Ratcliffe, a good mile from the Tower." Tenements in place of trees was an exchange of which Stow did not approve. "There hath been of late," he says, "in place of elm-trees, many small tenements raised towards Ratcliffe; and Ratcliffe itself hath been also increased in building eastward, in place where I have known a large highway, with fair elm-trees on both sides, that the same hath now taken hold of Lime Hurst, or Lime Host, corruptly called Lime House, sometime distant a mile from Ratcliffe." On the south, there was a fringe of building along the river bank, at the back of which were fields and open spaces, and beyond this the country; an uninterrupted expanse of the beautiful scenery of Surrey.

With slight deductions here and there, it might be said that the whole of what is now the County of London was then open country. A man could walk westward along Holborn, and by the time he reached St. Giles' Church, where now is Shaftesbury Avenue, he would be in the fields. If he went from Holborn up Gray's Inn Lane, by the time he reached King's Cross he would have left London behind him: St. Pancras was a rural village. On the north, if he passed through Cripplegate, a few minutes' walk would take him through the suburbs; or if he took the road through Moorgate, by the time he had passed the Moorfields and left Finsbury fields behind him, he would have the rising country all before him, and he would very soon encounter one of the farm homesteads which supplied the city with agricultural produce.

It follows that life in Shakespeare's London was not the distinctive town-life which we associate with the London of to-day. A young man from a provincial town, used to rural sights and sounds, endowed with the love of nature, would not pine for the green fields at home; he would take a walk into the country. He would find a forest of Arden on the heights of Hampstead and Highgate; he could take part in a sheep-shearing celebration at even a less distance. As he walked through the city on business bent, a flock of wild duck or teal might wing over his head with outstretched necks, taking flight from the marshes on the north of the city, to

the river or the marshes on the south between Paris Garden and Lambeth. One of the most delightful features of the city itself, the city within the walls, was the spacious garden attached to most of the ancient houses; these gardens were well stocked with fruit trees, and with flower-beds, cultivated for "garnishing the chambers" of the citizens' dwellings. The citizen in his warehouse or living room could hear the note of the piratical blackbird among his fruit, or the song of the thrush, or the linnet's pretty warble. If Shakespeare had his lodging in the precinct of St. Helen's, Bishopsgate, he would doubtless hear the cuckoo:

When daisies pied and violets blue,  
And lady-smocks all silver-white,  
And cuckoo-buds of yellow hue  
Do paint the meadows with delight.

Or if (as we believe he did at one time) he dwelt on the Surrey side, near the Bear Garden, the note of Philomel, "the winged Dryad" might reach him from among the trees as he lay sleepless and in thought some summer night,

, When to the sessions of sweet silent thought

he summoned up remembrance of things past. Nature was ever calling to Shakespeare, by ear and eye, while he lived and worked in London.

But there were other and scarcely less important appeals to Shakespeare's genius. In and around the city were the precincts of dissolved priories and other religious houses: the chapel or some portion thereof generally saved for the purposes of the reformed worship; for the rest, stately ruins, cloisters, garden walks, grassy slopes and trees; here and there portions of the old buildings converted into dwellings, occasionally new houses erected on the garden spaces, in the words of Stow, "for the lodgings of noblemen, strangers born, and others." At the Theatre in Holywell, at the playhouse in Blackfriars, Shakespeare would be surrounded by these evidences of a past, not remote to him, when one of the bulwarks of London, against King and Barons alike, more strong than the wall of the city, was the secure existence of these ecclesiastical demesnes outside the defences, from point to point round the wall, as well as within the gates. There were those living in 1590 who could

have described to him the aspect of London before the Reformation; and the London which elderly men described to him as the London of their youth was very little changed from the London of the Plantagenets and the wars of the Roses. There was the Tower, and the stories of its hapless victims lived on men's tongues as well as in the Chronicles. In various quarters of the city were large houses, forsaken or turned into tenements, which had once been the town mansions of nobles whose names figured in these stories, whose descendants had built themselves dwellings outside the walls in more secure times, mostly to the west along the Strand, the Savoy, Whitehall and Canon Row. This contrast between past and present was vividly suggested to Shakespeare, for to these sumptuous dwellings of the new order the business of his calling would sometimes take him and his fellows, and here he beheld the splendour and pride of circumstance which was the atmosphere of the Elizabethan noble. Strong and new life upon a background of heaped remains of a recent past: this was what greeted Shakespeare on every hand. The disappearance of the noble and his retinue from among the dwelling-places of the city followed the exile of monk and friar. Many a sweet choir was hushed; but Shakespeare could go into St. Paul's in the evening and listen to the beautiful organ there, while the shuttle of his thought weaved the influences of this manifold London upon the texture of his mind.<sup>1</sup>

The exodus of so many of the nobility made room which was quickly taken up by the busy citizens and their artisans. Trades flourished; invention—encouraged by the Queen's grants of monopoly—was continually adding new processes to the methods of production or improving the old. The corollary of this was to be seen in the busy wharves and quays along the river front and the shipping in the Thames. The great antiquary, William Camden, who wrote while Shakespeare was a denizen of London, becomes eloquent when he speaks of the Thames as "a sure and most beautifull Roade for shipping." Hyperbole scarce consorts with the character of Camden, and we must suppose that his patriotism

<sup>1</sup> Paul Hentzner, who visited London while Shakespeare was there, in describing St. Paul's, says, "It has a very fine organ, which at evening prayer, accompanied with other instruments, is delightful."

only coloured his mode of expression when he wrote: "A man would say that seeth the shipping there, that it is, as it were, a very wood of trees disbranched to make glades and let in light: so shaded it is with masts and sailes."

The most significant, as it was the most conspicuous, of the new buildings in Shakespeare's London, was the bourse built by Sir Thomas Gresham, which the queen, with her wonted tact, had inaugurated in person by the name of the Royal Exchange. This was the emblem of the new commercial era which has continuously developed ever since, first slowly, and by leaps and bounds in the nineteenth century. Viewed in relation to Shakespeare the significance of the new conditions is readily seen. A settled government; the Queen resident at Whitehall or Greenwich, when not making "progresses"; the queen's nobility attracted by the royal sunshine to new palaces westward; her nobles vieing with each other to provide her entertainment and amusement: result, Lord Leicester's company of players, to which emulation speedily added others. Then came the playhouse—a new kind of building almost as significant as the Royal Exchange. The one was the corollary of the other.

It is very important to consider Shakespeare's employment in London and its effects upon his mind. With others, he was attached to the household or establishment of a great personality, a nobleman of proud position, of great power and privileges. Courtiers, and the fantastic mood of the court, were frequently under his observation in the royal palaces, and in the chambers and ante-rooms of the nobles. At the playhouse, where one of the chief objects of the performance was to perfect the players and test the attraction of plays with a view to presentations before the queen and her nobility—at the playhouse all classes of society were brought together in focus, as is shown by the graduated scale of payment and accommodation; and here the opportunities for observation were better even than those afforded by Paul's Walk or Westminster Hall. And all this panorama of life and character was moving constantly beneath the eyes of one gifted with unique powers of vision, the very nature of his occupation from the first prompting him to dramatic creation, his daily work an experimentation in the methods of dramatic composition. But all these opportunities would

have been vain, without genius: there are limits beyond which Shakespeare cannot be viewed as a product.

It is probable that had it been adequately known how many-sided was the life of London as it presented itself to Shakespeare, how full of variety in a small compass, some of the books that have been written to prove he was a lawyer or some other profession; that he must have been on the continent, especially to Italy; that he must have made an ocean voyage in a ship, or what not, might not have seen the light, which would be regrettable, for there is no honest or sane book on the subject of Shakespeare which is not worth reading. We need not study Hakluyt's *Voyages* to know where Shakespeare learned his sea-lore, or whence he derived those stories of ocean travel and mishap which we find in the *Comedy of Errors*, in the *Winter's Tale*, in *Twelfth Night*, in the *Tempest*. We need not go beyond Shakespeare's London for these. East of the bridge, on both sides of the river, but especially the Middlesex side, as far as Ratcliff and beyond to Limehouse, were the resorts of sailors, and the purveyors and victuallers of ships. Here could be met men who had sailed with Drake or with Raleigh. Drake's old ship was there, and is frequently alluded to in the literature of the time, notably by Hentzner, although it is characteristic of Shakespeare's method that he does not allude to it by name. But compare the artistic result of Shakespeare's creation in his marine scenes with that of *Eastward Hoe*, a contemporary play in which Drake's ship and the humours of the pool of London have their part. There simply is no comparison, although it is probable that *Eastward Hoe* was vastly entertaining to the Elizabethans. The one is ore, the other refined gold.

The river Thames was the chief highway of Shakespeare's London. The royal barge conveyed the queen from Whitehall to her palace at Greenwich, followed by a procession of barges and boats bedecked and trimmed with flags and streamers, bearing her ladies and attendants, the royal bodyguard, halberdiers, and officers of the royal household. When nobles paid their visits of ceremony, they went by boat or barge. Merchants on business, from wharf to wharf, from Paul's to the Tower or beyond, went by water, or if their business lay in Southwark, they used one of the

numerous ferries in preference to the Bridge. Pleasure-seekers crossed by ferry from the city to the theatres and other diversions of Paris Garden and the Bankside; or they hired wherries at the nearest stairs and were rowed across. There were thousands of watermen earning their living by hire on the silent highway; and these watermen or scullers were recruited from the mariners of England. From this source stories of foreign ports or cities would come to Shakespeare's ears almost without his seeking. It is probable, too, that even before the publication of his poems, and consequent personal conversation with Lord Southampton, Lord Pembroke and others, he had opportunities of hearing young gallants, who made the "tour" in accordance with a custom of the time, comparing notes on their experience in Germany, in Paris, or in the Italian cities. And thus the names of Padua, and Messina, of Verona, of Milan, of Mantua, with their associations of romance and distance, may have struck upon the ear of Shakespeare, amid London surroundings, while the creations of his genius were taking form and shape. Of one proud city he would doubtless hear from various sources, especially from sailors and boatmen, a city like unto London in that it was ancient and splendid, though more august; and like in that it was a mighty mart and a great port—the Queen of the Adriatic.

ORDISH.

### OLD ST. PAUL'S

ON wednesday the 4 of Iune, betweene foure and fiue of the clocke in the afternoone, the stéeple of Paules in London being fired by lightning, brast forth (as it séemed to the beholders) two or three yards beneath the foot of the crosse, and from thence burnt downe the spire to the stoneworke and bells, so terrible, that within the space of foure houres the same stéeple with the roofes of the church, so much as was timber or otherwise combustible, were consumed, which was a lamentable sight and pitifull remembrance to the beholders therof. After this mischance, the queens maiestie being much gréeued for the losse of so beautifull a monument, directed hir highnesse letters to the maior of the citie of

London, willing him to assemble the citizens to take some order for speciall aid and helpe for the repairing againe of the said monument. And she of hir most gracious disposition, to giue a comfort to others for the furtherance thereof, did presentlie giue and deliuer in gold one thousand markes, and a warrant for a thousand lode of timber, to be taken out of hir maiesties woods or elsewhere: and the citizens of London granted one beneuolence, and three fiftéens to be foorthwith paied. The clergie vnder the prouince of Canturburie granted the fortith part of the value of their benefices charged with first fruits, and not charged with first fruits the thirtith part. The clergie of the diocesse of London granted the thirtith part of their benefices in first fruits, and the twentieth part out of first fruits. Now immediatlie by commandement of the queenes highnesse, hir priuie councill tooke order that six citizens of London, and two of the cleargie of the church of Paules, had charge and commandement to ouersée and set forward this worke, who made such expedition, that within one moneth next following the burning thereof, the whole church, that is to saie, all the foure great roofes of the same were couered with boords and lead, after the maner of a false rooffe. And the greatnesse of the worke dispatched in so short time could scarselie be credited of anie, but of such as saw and knew the same. And the cause of this great hast was for feare of raine, which might haue perished the vawtes, to the destruction of the whole church, and the people that were therein. And before the said yéere was fullie ended, all the said iles of the said church were made and framed of new and maine timber, and couered with lead, and fullie finished. And the same yeare also, the great rooffe of the west end was framed, and made of new and great timber in Yorkeshire, and brought to London by sea, and set vp and couered with lead, and fullie finished. And in like maner within the said yeare, the whole rooffe and frame of the said church was made in Yorkeshire, and brought by sea to London, and there laid readie to be raised when the season of the yeare serued. This one thing resteth to be told, that by estimation of wise men, 10000 pounds more than is yet granted vnto it, will not perfect and finish the church and stéeple in such sort as it was before the burning thereof.

HOLINSHED.

## PAUL'S WALK

Now for your venturing into the Walke, be circumspect and wary what piller you come in at, and take heede in any case (as you love the reputation of your honour) that you avoide the *serving-mans* log, and approach not within five fadom of that piller; but bend your course directly in the middle line, that the whole body of the church may appeare to be yours; where, in view of all, you may publish your suit in what manner you affect most, either with the slide of your cloake from the one shoulder, and then you must (as twere in anger) suddenly snatch at the middle of the inside (if it be taffata at the least) and so by that meanes your costly lining is betrayd, or else by the pretty advantage of complement. But one note by the way do I especially woee you to, the neglect of which makes many of our gallants cheape and ordinary, that by no meanes you be seene above foure turnes; but in the fift make your selfe away, either in some of the Sempsters' shops, the new tobacco-office, or amongst the booke-sellers, where, if you cannot reade, exercise your smoake, and inquire who has writ against this divine weede, etc. For this withdrawing your selfe a little, will much benefite your suit, which else, by too long walking, would be stale to the whole spectators: but howsoever if Powles Jacks bee once up with their elbowse, and quarrelling to strike eleven, as soone as ever the clock has parted them, and ended the fray with his hammer, let not the Dukes gallery conteyne you any longer, but passe away apace in open view. In which departure, if by chance you either encounter, or aloofe off throw your inquisitive eye upon any knight or squire, being your familiar, salute him not by his name of sir such a one, or so, but call him *Ned*, or *Jack*, etc. This will set off your estimation with great men: and if (tho there be a dozen companies betweene you, tis the better) hee call aloud to you (for thats most gentile), to know where he shall find you at two a clock, tell him at such an ordinary, or such, and bee sure to name those that are deerest: and whither none but your gallants resort. After dinner you may appeare againe, having translated



yourselfe out of your English cloth cloak, into a light Turkey-grogram (if you have that happinesse of shifting) and then be seene (for a turne or two) to correct your teeth with some quill or silver instrument, and to cleanse your gummes with a wrought handkercher: It skilles not whether you dined or no (thats best knowne to your stomach) or in what place you dined, though it were with cheese, (of your owne mother's making) in your chamber or study.

Now if you chance to be a gallant not much crost among citizens, that is, a gallant in the mercers bookes, exalted for sattens and velvets, if you be not so much blest to bee crost (as I hold it the greatest blessing in the world, to bee great in no mans bookes) your Powles walke is your onely refuge: the Dukes Tomb is a sanctuary, and wil keepe you alive from wormes and land-rattes, that long to be feeding on your carkas: there you may spend your legs in winter a whole after-noone: converse, plot, laugh, and talke any thing, jest at your creditor, even to his face, and in the evening, even by lamp-light, steale out, and so cozen a whole covy of abhominable catch-pols. Never be seene to mount the steppes into the quire, but upon a high festivall day, to preferre the fashion of your doublet, and especially if the singing-boyes seeme to take note of you: for they are able to buzze your praises above their *anthems*, if their voyces have not lost their maidenheads: but be sure your silver spurres dog your heeles, and then the boyes will swarme about you like so many white butter-flyes, when you in the open quire shall drawe forth a perfumed embrodred purse (the glorious sight of which will entice many countrymen from their devotion to wondering) and quoyt silver into the boyes handes, that it may be heard above the first lesson, although it be reade in a voyce as big as one of the great organs.

This noble and notable act being performed, you are to vanish presently out of the quire, and to appeare againe in the walk: but in any wise be not observed to tread there long alone; for feare you be suspected to be a gallant casheerd from the society of *captens* and *fighters*.

Sucke this humour up especially. Put off to none, unlesse his hatband be of a newer fashion then yours, and three degrees quainter: but for him that weares a trebled cipers

about his hatte, (though he were an aldermans sonne) never move to him: for hees suspected to be worse then a *gull*, and not worth the putting off to, that cannot observe the time of his hatband, nor know what fashioned block is most kin to his head: for, in my opinion, ye braine that cannot choose his felt well (being the head ornament) must needs powre folly into all the rest of the members, and be an absolute confirmed foole in *summâ totali*.

All the diseased horses in a tedious siege cannot shew so many fashions, as are to be seene for nothing, every day, in Duke *Humfryes walke*. If therefore you determine to enter into a new suit, warne your tailor to attend you in Powles, who, with his hat in his hand, shall like a spy discover the stuffe, colour, and fashion of any doublet, or hose that dare be seene there, and stepping behind a pillar to fill his table-bookes with those notes, will presently send you into the world an accomplit man: by which meanes you shall weare your clothes in print with the first edition. But if fortune favour you so much as to make you no more then a meere country gentleman, or but some three degrees removd from him, (for which I should be very sorie, because your London-experience wil cost you deere before you shall have the wit to know what you are) then take this lesson along with you: the first time that you venture into Powles, passe through the body of the church like a porter, yet presume not to fetch so much as one whole turne in the middle ile, no nor to cast an eye to *si quis* doore, (pasted and plaistered up with serving-mens *supplications*) before you have paid tribute to the top of Powles *steeple* with a single penny: And when you are mounted there, take heede how you looke downe into the yard; for the railes are as rotten as your great-grandfather; and thereupon it will not be amisse if you enquire how *Kit Woodroffe* durst vault over, and what reason he had for it, to put his necke in hazard of reparations. From hence you may descend, to talke about the horse that went up, and strive, if you can, to know his keeper: take the day of the moneth, and the number of the steppes, and suffer yourselfe to believe verily that it was not a horse, but something else in the likenesse of one: which wonders you may publish, when you returne into the country, to the great amazement

of all farmers daughters, that will almost swound at the report, and never recover till their banes bee asked twice in the church.

But I have not left you yet. Before you come downe againe, I would desire you to draw your knife, and grave your name (or, for want of a name, the marke, which you clap on your sheep) in great characters upon the leades, by a number of your brethren (both citizens and country gentlemen) and so you shall be sure to have your name lye in a coffin of lead, when yourselfe shall be wrapt in a winding-sheete: and indeed the top of Powles contains more names than *Stowes* Chronicle. These lofty tricks being plaid, and you (thanks to your feete) being safely arived at the staires foote againe, your next worthy worke is, to repaire to my lord *Chancellors Tomb* (and, if you can but reasonably spel) bestow some time upon the reading of Sir Phillip Sydneys briefe epitaph; in the compasse of an houre you may make shift to stumble it out. The great dyal is, your last monument: there bestow some halfe of the threescore minutes, to observe the sawciness of the Jackes that are above the man in the moone there; the strangenesse of the motion will quit your labour. Besides, you may heere have fit occasion to discover your watch, by taking it forth, and setting the wheelles to the time of Powles, which, I assure you, goes truer by five notes then S. *Sepulchers* chimes. The benefit that wil arise from hence is this, that you publish your charge in maintaining a gilded clocke; and withall the world shall know that you are a time-pleaser. By this I imagine you have walkt your belly ful, and thereupon being weary, or (which rather I beleeve) being most gentlemanlike hungry, it is fit that I brought you in to the Duke; so (because he followes the fashion of great men, in keeping no house, and that therefore you must go seeke your dinner) suffer me to take you by the hand, and lead you into an ordinary.

DEKKER.

## "CAPTAIN POUCH"

ABOUT the middle of this moneth of May 1607, a great number of common persons, sodainly assembled themselves in Northamptonshire, and then others of a like nature assembled themselves in Warwickshire, and some in Leicestershire, they violently cut and break down hedges, filled up ditches, and laid open all such enclosures of commons, and other grounds as they found enclosed, which of auncient time hadde been open and imploied to tillage, these tumultuous persons in Northamptonshire, Warwick and Leicestershire grew very strong, being in some places of men, women and children a thousand together, and at Hill Norton in Warwickshire there were three thousand, and at Cottesbich there assembled of men women and children to the number of full five thousand. These riotous persons bente all their strength to leavell and lay open enclosures without exercising any manner of force or violence upon any mans person, goods or cattell, and wheresoever they came, they were generally relieved by the neer inhabitants, who sent them not only many cartes laden with victuall, but also good store of spades and shovells for speedy performance of their present enterprize, for untill then some of them were faine to use bills, pikes and such like tooles instead of mattocks and spades.

The twenty seaven of this moneth, there were several Proclamations made, straightly charging them to surcease their disorder, yet neverthelesse they ceased not, but rather persisted more eagerly and thereupon the Sheriffes and Justices, had authority given them to suppress them by force, by vertue whereof they raised an army and scatter'd them using all possible meanes to avoid bloudshed, and after that the king sent Henry Earle of Huntington, Thomas Earle of Excester, Edward Lorde Zowch, William Lorde Compton, John Lorde Harrington, Robert Lorde Spencer, George Lorde Carew, Sir Edward Coke Lord Chief Justice of the Common Pleas, with divers other learned judges, assisted by the Maior of Coventry and the most discreete justices of peace and of Oyer and Termynner in their severall counties to

doe justice upon the leavellers according to the nature of their offences.

And the twenty eight of June the king made proclamation signifying his great unwillingness to have proceeded against them eyther by Marshall law or civill justice if lenient or gentle admonition mought any waies have prevailed with them to desist from their turbulent rebellions and traiterous practise.

At the first those foresaid multitudes assembled themselves, without any particular head or guide, then started up a base fellow called John Reynoldes, whom they surnamed Captaine Pouche because of a great leather pouch which he wore by his side.

He said there was sufficient matter to defend them against all commers, but afterwards when he was apprehended his pouch was searched, and therein was only a peace of greene cheese. He told them also that hee had authority from his majesty to throw doune enclosures, and that he was sent of God to satisfie all degrees whatsoever, and that in this present worke, hee was directed by the Lord of Heaven, and thereupon they generally enclined to his direction, so as he kept them in good order, hee commanded them not to sweare, nor to offer violence to any present: but to ply their business and to make fare worke, entending to continew this worke so long as God should put them in minde, at the beginning of this disordered assembly untill their suppression and due examination of many of the offenders, it was generally bruted throughout the land that the special cause of their assemblies and discontent was concerning religion, and the same past current with many according to their severall opinions in religion. Some sayd it was the Puritan faction, because they were the strongest, and thereby sought to enforce their pretended reformation, others sayd it was the practise of the Papistes thereby to obtaine restauration or tolleration, all which reports proved false as appeared plainlie, by the examination of all such as were examined, whose generall pretence of greevances and cause of sturring in this riotous and trayterous manner was only for the laying open of enclosures, the prevention of further depopulation, the increase and continuance of tillage to relieve their wives and children; and chiefly because it has been

credibly reported unto them by many that of very late yeeres there were three hundred and forty townes decayed and depopulated, and that they supposed by this insurrection and casting downe of inclosures to cause reformation. Some of them were indited of hie treason and executed for leavyinge warrs against the king, and opposinge themselves against the kinges forces. Captaine Pouché was made exemplary.

Others for felonie in continuing together by the space of an hower, after proclamation, to cease and depart according to the statute; the rest were indited for riots, unlawful assemblies and throwing downe of hedges and ditches.

STOW.

## STRUGGLE FOR ABSOLUTE MONARCHY

(JAMES I.)

THE Commons now assembled in parliament, being justly occasioned thereunto concerning sundry liberties, franchises, and privileges of parliament, amongst others here mentioned, do make this protestation following: that the liberties, franchises, privileges, and jurisdictions of parliament, are the ancient and undoubted birth-right and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the king, state, and defence of the realm, and of the Church of England; and the maintenance and making of laws, and redress of mischiefs and grievances which daily happen within this realm, are proper subjects and matter of counsel and debate in parliament; and that in the handling and proceeding of those businesses, every member of the House of Parliament hath, and of right, ought to have freedom of speech, to propound, treat, reason, and bring to conclusion the same: and that the commons in parliament have like liberty and freedom to treat of these matters in such order, as in their judgments shall seem fittest: and that every member of the said house hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the house itself) for or concerning any speaking, reasoning, or declaring any matter or matters touching the parliament, or parliament-

business: and that if any of the said members be complained of, and questioned for any thing done or said in parliament, the same is to be shewed to the king by the advice and assent of all the commons assembled in parliament, before the king give credence to any private information.

This protestation was made and recorded in the journal-book of the commons, December the 18th, the day of adjournment. But how the king took it, will best appear, by his sending for the journal-book of the commons, in council, and striking out the protestation *with his own hand*; and by the following memorial, which was published soon after, as is seen by the date of it. . . .

WHITEHALL, December 30, 1621.

“ His most excellent majesty coming this day to the council, the prince his highness, and all the lords and others of his majesty’s privy-council sitting about him, and all the judges then in London, which were six in number, there attending upon his majesty; the clerk of the Commons House of Parliament was called for, and commanded to produce his journal-book, wherein was noted, the entries made of most passages that were in the Commons House of Parliament; and amongst other things there was written down the form of a protestation concerning sundry liberties, privileges, and franchises of parliament; with which form of protestation his majesty was justly offended. Nevertheless his majesty, in a most gracious manner, there expressed: That he never meant to deny that House of Commons any lawful privileges that ever they had enjoyed; but whatsoever privileges or liberties they had by any law or statute, the same should be inviolably preserved unto them; and whatsoever privileges they enjoyed by custom, or uncontroulled and lawful precedent, his majesty would be careful to preserve. But this protestation of the Commons House, so contrived and carried as it was, his majesty thought fit to be razed out of all memorials, and utterly to be annihilated; both in respect of the manner by which it was gained, and the matter therein contained. For the manner of getting it, first, in respect of the time: for after such times as his majesty, out of princely grace, as to take away

all mistakings, had directed his letters to Secretary Calvert, dated at Royston, 16 Decembris, and therein had so explained himself, in the point of maintaining the privileges of the House of Commons, as that most of the said house rested fully satisfied, and freed from any scruple of having their liberties impeached: and after that, by his majesty's letters, directed to the speaker, dated 18 December, being Tuesday, his majesty, at the humble suit of the House of Commons, condescended to make this meeting a session before Christmas, and for the purpose had assigned Saturday following: now, upon this very Tuesday, and while the messengers from the House of Commons were with his majesty, at Theobalds, to return thanks unto his majesty and therewith an excuse from them not to make it a session, in respect of the strait of time whereunto they were driven; which deferment his majesty admitted of at their desires, and thereupon gave order for the adjournment of the parliament until the 8th of February next, which was the first day formerly appointed by his majesty for the meeting together of the parliament: and whilst their messengers were with his majesty, and had received a gracious answer to return unto their house; even that afternoon, a committee was procured to be made for taking their liberties into consideration: and this afternoon a protestation was made (to whom, appears not) concerning their liberties, and at six o'clock at night, by candle light, the same protestation was brought into the house by the committee; and at that time of night it was called upon to be put to the question, there not being the third part of the house then present; whereas in all matters of weight, their usual custom is, to put nothing of importance to the question, till the house be full: and at this time many of them that were present, expected that the question would have been deferred to another day, and a fuller house; and some then present stood up to have spoken to it, but could not be seen or heard in that darkness and confusion. Now for the matter of the protestation, it is penned in such ambiguous and general words, as may serve for future times to invade most of the rights and prerogatives annexed to the imperial crown; the claim of some privileges being grounded upon the words of the writ for assembling the parliament, wherein



some words, viz. *arduis regni*, are cunningly mentioned, but the word *quibusdam*, which restraineth the generality to such particular cases, as his majesty pleaseth to consult with them upon, is purposely omitted.

These things considered, his majesty did, this present day, in full assembly of the council, and in the presence of the judges, declare the said protestation to be invalid, annulled, void, and of no effect: and did further, *manu sua propria*, take the said protestation out of the journal-book of the clerk of the Commons House of Parliament; and commanded an act of council to be made thereupon, and this act to be entered in the register of common-causes.

*Parliamentary History.*

## CROMWELL'S FIRST PARLIAMENT

Gentlemen,

You are met here on the greatest occasion that, I believe, England ever saw; having upon your shoulders the Interests of Three great Nations with the territories belonging to them;—and truly, I believe I may say it without any hyperbole, you have upon your shoulders the Interest of all the Christian People in the world. And the expectation is, that I should let you know, as far as I have cognisance of it, the occasion of your assembling together at this time.

It hath been very well hinted to you this day, that you come hither to settle the Interests above mentioned: for your work here, in the issue and consequences of it, *will* extend so far, 'even to all Christian people.' In the way and manner of my speaking to you, I shall study plainness; and to speak to you what is truth, and what is upon my heart, and what will in some measure reach to these great concernments.

After so many changings and turnings, which this Nation hath laboured under,—to have such a day of hope as this is, and such a door of hope opened by God to us, truly I believe, some months since, would have been beyond all our thoughts!—I confess it would have been worthy of such a meeting as this is. To have remembered that which was the rise 'of,' and gave the first beginning to, all these Troubles which have been upon this Nation: and to have given you a series of the

Transactions,—not of men, but of the Providence of God, all along unto our late changes: as also the ground of our first undertaking to oppose that usurpation and tyranny<sup>1</sup> which was upon us, both in civils and spirituals; and the several grounds particularly applicable to the several changes that have been. But I have two or three reasons which divert me from such a way of proceeding at this time.

If I should have gone in that way, 'then' that which lies upon my heart 'as to these things,'—which is 'so' written there that if I would blot it out I could not,—would 'itself' have spent this day: the providences and dispensations of God have been so stupendous. As David said in the like case, *Psalm xl. 5*, "Many, O Lord my God, are thy wonderful works which thou hast done, and thy thoughts which are to-us-ward: they cannot be reckoned up in order unto thee: if I would declare and speak of them, they are more than can be numbered."—Truly, another reason, unexpected by me, you had to-day in the Sermon:<sup>2</sup> you had much recapitulation of Providence; much allusion to a state and dispensation in respect of discipline and correction, of mercies and deliverances, 'to a state and dispensation similar to ours,'—to, in truth, the only parallel of God's dealing with us that I know in the world, which was largely and wisely held forth to you this day: To Israel's bringing-out of Egypt through a wilderness by many signs and wonders, towards a Place of Rest,—I say *towards* it.<sup>3</sup> And that having been so well remonstrated to you this day, is another argument why I shall not trouble you with a recapitulation of those things;—though they are things which I hope will never be forgotten, because written in better Books than those of paper;—written, I am persuaded, in the heart of every good man!

'But' a third reason was this: What I judge to be the end of your meeting, the great end, which was likewise remembered to you this day; to wit, Healing and Settling. The remembering of Transactions too particularly, perhaps instead of healing,—at least in the hearts of many of you,—

<sup>1</sup> of Charles, Wentworth, Laud and Company. [Carlyle's note.]

<sup>2</sup> This Sermon of Goodwin's is not in the collected Edition of his Works; not among the King's Pamphlets; not in the Bodleian Library. We gather what the subject was, from this Speech, and know nothing of it otherwise. ;

<sup>3</sup> not yet at it; *nota bene*.

might set the wound fresh a-bleeding. 'And' I must profess this unto you, whatever thoughts pass upon me: That if this day, if this meeting, prove *not* healing, what shall we do! But, as I said before, I trust it is in the minds of you all, and much more in the mind of God, to cause healing. It must be first in His mind:—and He being pleased to put into yours, this will be a Day indeed, and such a Day as generations to come will bless you for!—I say, for this and the other reasons, I have forborne to make a particular remembrance and enumeration of things, and of the manner of the Lord's bringing us through so many changes and turnings as have passed upon us.

Howbeit, I think it will be more than necessary to let you know, at least so well as I may, in what condition this Nation, or rather these Nations were, when the present Government was undertaken. And for order's sake: It's very natural to consider what our condition was, in Civils; 'and then also' in Spirituals.

What was our condition! Every man's hand almost was against his brother;—at least his heart 'was'; little regarding anything that should cement, and might have a tendency in it to cause us to grow into one. All the dispensations of God; His terrible ones, when He met us in the way of His judgment in a Ten-years Civil War; and His merciful ones; they did not, they did not work upon us! 'No.' But we had our humours and interests;—and indeed I fear our humours went for more with us than even our interests. Certainly, as it falls out in such cases, our passions were more than our judgments.—Was not everything almost grown arbitrary? Who of us knew where or how to have right 'done him,' without some obstruction or other intervening? Indeed we were almost grown arbitrary in everything.

What was the face that was upon our affairs as to the Interest of the Nation? As to the Authority in the Nation; to the Magistracy; to the Ranks and Orders of men,—whereby England hath been known for hundreds of years? A nobleman, a gentleman, a yeoman; 'the distinction of these': that is a good interest of the Nation, and a great one! The 'natural' Magistracy of the Nation, was it not almost trampled under foot, under despite and contempt,

by men of Levelling principles? I beseech you, For the orders of men and ranks of men, did not that Levelling principle tend to the reducing of all to an equality? Did it 'consciously' think to do so; or did it 'only unconsciously' practise towards that for property and interest? 'At all events,' what was the purport of it but to make the Tenant as liberal a fortune as the Landlord? Which, I think, if obtained, would not have lasted long! The men of that principle, after they had served their own turns, would *then* have cried up property and interest fast enough!—This instance is instead of many. And that the thing did 'and might well' extend far, is manifest; because it was a pleasing voice to all Poor Men, and truly not unwelcome to all Bad Men. To my thinking, this is a consideration which, in your endeavours after settlement, you will be so well minded of, that I might have spared it here: but let that pass.—

'Now as to Spirituals.' Indeed in Spiritual things the case was more sad and deplorable 'still';—and that was told to you this day eminently. The prodigious blasphemies; contempt of God and Christ, denying of Him, contempt of Him and His ordinances, and of the Scriptures: a spirit visibly acting those things foretold by Peter and Jude; yea those things spoken of by Paul to Timothy! Paul declaring some things to be worse than the Antichristian state (of which he had spoken in the *First to Timothy*, Chapter fourth, verses first and second, 'under the title of the Latter times'), tells us what should be the lot and portion of the *Last Times*. He says (*Second to Timothy*, Chapter third, verses second, third, fourth), "In the Last Days perilous times shall come; men shall be lovers of their own selves, covetous, boasters, proud, blasphemers, disobedient to parents, unthankful," and so on. But in speaking of the Antichristian state, he told us (*First to Timothy*, Chapter fourth, verses first and second), that "in the *latter days*" that state shall come in; 'not the *last days* but the *latter*,'—wherein "there shall be a departing from the faith, and a giving heed to seducing spirits and doctrines of devils, speaking lies in hypocrisy," and so on. This is only his description of the *latter times*, or those of Antichrist; and we are given to understand that there are *last times* coming, which will be worse!—And

surely it may be feared, these are *our* times. For when men forget all rules of Law and Nature, and break all the bonds that fallen man hath on him; 'obscuring' the remainder of the image of God in their nature, which they cannot blot out, and yet shall endeavour to blot out, "having a form of godliness without the power,"—'surely' these are sad tokens of the last times!

And indeed the character wherewith this spirit and principle is described in that place 'of Scripture,' is so legible and visible, that he who runs may read it to be amongst us. For by such "the grace of God is turned into wantonness," and Christ and the Spirit of God made a cloak for all villany and spurious apprehensions. And though nobody will own these things publicly as to practice, the things being so abominable and odious; yet 'the consideration' how this principle extends itself, and whence it had its rise, makes me to think of a Second sort of Men, 'tending in the same direction'; who it's true, as I said, will not practise nor own these things, yet can tell the Magistrate "That he hath nothing to do with men holding such notions: These, 'forsooth' are matters of conscience and opinion: they are matters of Religion; what hath the Magistrate to do with these things? He is to look to the outward man, not to the inward,"—'and so forth.' And truly it so happens that though these things do break out visibly to all, yet the principle wherewith these things are carried on so forbids the Magistrate to meddle with them, that it hath hitherto kept the offenders from punishment.

Such considerations, and pretensions to "liberty of conscience," 'what are they leading us towards!' Liberty of Conscience, and Liberty of the Subject,—two as glorious things to be contended for, as any that God hath given us; yet both these abused for the patronising of villainies! Inso-much that it hath been an ordinary thing to say, and in dispute to affirm, "That the restraining of such pernicious notions was not in the Magistrate's power; he had nothing to do with it. Not so much as the printing of a Bible in the Nation for the use of the People, 'was competent to the Magistrate,' lest it should be imposed upon the consciences of men,"—for "they would receive the same traditionally and implicitly from the Magistrate, if it were thus received!"

The afore-mentioned abominations did thus swell to this height among us.

'So likewise' the axe was laid to the root of the Ministry. It was Antichristian, it was Babylonish, 'said they.' It suffered under such a judgment, that the truth is, as the extremity was great according to the former system, I wish it prove not as great according to this. The former extremity 'we suffered under' was, That no man, though he had never so good a testimony, though he had received gifts from Christ, might preach, unless ordained. So now 'I think we are at the other extremity, when' many affirm, That he who is ordained hath a nullity, or Antichristianism, stamped 'thereby' upon his calling; so that he ought not to preach, or not be heard.—I wish it may not be too justly said, That there was severity and sharpness 'in our old system'! Yea, too much of an imposing spirit in matters of conscience; a spirit Unchristian enough in any times, most unfit for these 'times';—denying liberty 'of conscience' to men who have earned it with their blood; who have earned civil liberty, and religious also, for those [*Stifled murmurs from the Presbyterian Sect*] who would thus impose upon them!—

We may reckon among these our Spiritual evils, an evil that hath more refinedness in it, more colour for it, and hath deceived more people of integrity than the rest have done;—for few have been caught by the former mistakes except such as have apostatised from their holy profession, such as being corrupt in their consciences have been forsaken by God, and left to such noisome opinions. But, I say, there is another error of more refined sort; 'which' many honest people whose hearts are sincere, many of them belonging to God, 'have fallen into': and that is the mistaken notion of the Fifth Monarchy—

—Fifth Monarchy. A thing pretending more spirituality than anything else. A notion I hope we all honour, and wait, and hope for 'the fulfilment of': That Jesus Christ *will* have a time to set up His Reign in our hearts; by subduing those corruptions and lusts and evils that are there; which now reign more in the world than, I hope, in due time they shall do. And when more fulness of the Spirit is poured forth to

subdue iniquity, and bring in everlasting righteousness, then will the approach of that glory be. [*Most true ;—and not till then!*] The carnal divisions and contentions among Christians, so common, are not the symptoms of that Kingdom!—But for men, on this principle, to betitle themselves, that they are the only men to rule kingdoms, govern nations, and give laws to people, and determine of property and liberty and everything else,—upon such a pretension as this is:—truly they had need to give clear manifestations of God's presence with them, before wise men will receive or submit to their conclusions! Nevertheless, as many of these men have good meanings, which I hope in my soul they have, it will be the wisdom of all knowing and experienced Christians to do as Jude saith. 'Jude,' when he reckoned up those horrible things, done upon pretences, and haply by some upon mistakes: "Of some," says he, "have compassion, making a difference; others save with fear, pulling them out of the fire."<sup>1</sup> I fear they will give too often opportunity for this exercise! But I hope the same will be for their good. If men do but 'so much as' pretend for justice and righteousness, and be of peaceable spirits, and will manifest this, let them be the subjects of the Magistrate's encouragement. And if the Magistrate, by punishing visible miscarriages, save them by that discipline, God having ordained him for that end,—I hope it will evidence *love* and not hatred, 'so' to punish where there is cause. [*Hear!*]

Indeed this is that which doth most declare the danger of that spirit. For if these were but notions,—I mean these instances I have given you of dangerous doctrines both in Civil things and Spiritual; if, I say, they were but notions, they were best let alone. Notions will hurt none but those that have them. But when they come to such practices as telling us, 'for instance,' That Liberty and Property are not the badges of the Kingdom of Christ; when they tell us, not that we are to regulate Law, but that Law is to be abrogated, indeed subverted; and perhaps wish to bring in the Judaical Law—

[Latest Commentator *loquitur*: "This, as we observed, was the cry that Westminster raised when the Little Parliament

<sup>1</sup> Jude, 22, 23. A passage his Highness frequently refers to.

set about reforming Chancery. What countenance this of the Mosaic Law might have had from Harrison and his minority, one does not know. Probably they did find the Mosaic Law, in some of its enactments, more cognate to Eternal Justice and "the mind of God" than Westminster-Hall Law was; and so might reproachfully or admonitorily appeal to it on occasion, as they had the clearest title and call to do: but the clamour itself, as significant of any practical intention, on the part of that Parliament, or of any considerable Sect in England, to bring in the Mosaic Law, is very clearly a long-wigged one, rising from the Chancery regions, and is descriptive of nothing but of the humour that prevailed there. His Highness alludes to it in passing; and from him it was hardly worth even that allusion." ]

—Judaical Law; instead of our known laws settled among us: this is worthy of every Magistrate's consideration. Especially where every stone is turned to bring in confusion. I think, I say, this will be worthy of the Magistrate's consideration. [*Shall he step beyond his province, then, your Highness? And interfere with freedom of opinion?—"I think, I say, it will be worth his while to consider about it!"*]

Whilst these things were in the midst of us; and whilst the Nation was rent and torn in spirit and principle from one end to the other, after this sort and manner I have now told you; family against family, husband against wife, parents against children; and nothing in the hearts and minds of men but "Overturn, overturn, overturn!" (a Scripture phrase very much abused, and applied to justify unpeaceable practices by all men of discontented spirits),—the common Enemy sleeps not: our adversaries in civil and religious respects did take advantage of these distractions and divisions, and did practise accordingly in the three Nations of England, Scotland, and Ireland. We know very well that Emissaries of the Jesuits never came in such swarms as they have done since those things were set on foot. And I tell you that divers Gentlemen here can bear witness with me, How that they, 'the Jesuits,' have had a Consistory abroad which rules all the affairs of things [*"Affairs of things" : rough and ready!*] in England, from an Archbishop



down to the other dependents upon him. And they had fixed in England,—of which we are able to produce the particular Instruments in most of the limits of their Cathedrals 'or pretended Dioceses,'—and Episcopal Power [*Regular Episcopacy of their own!*], with Archdeacons, etc. And had persons authorised to exercise and distribute those things [*I begin to love that rough-and-ready method, in comparison with some others!*]; who pervert and deceive the people. And all this, while we were in that sad, and as I said deplorable condition.

And in the mean time all endeavours possible were used to hinder the work 'of God' in Ireland, and the progress of the work of God in Scotland; by continual intelligences and correspondences, both at home and abroad, from hence into Ireland, and from hence into Scotland. Persons were stirred up, from our divisions and discomposure of affairs, to do all they could to ferment the War in both these places. To add yet to our misery, whilst we were in this condition, we were in a 'foreign' War. Deeply engaged in War with the Portuguese;<sup>1</sup> whereby our Trade ceased: the evil consequences by that War were manifest and very considerable. And not only this, but we had a War with Holland; consuming our treasure; occasioning a vast burden upon the people. A War that cost this Nation full as much as the 'whole' Taxes came unto; the Navy being a Hundred-and-sixty Ships, which cost this Nation above 100,000*l.* a-month; besides the contingencies, which would make it 120,000*l.* That very one War (*sic*) did engage us to so great a charge.—At the same time also we were in a War with France. [*A Bickering and Skirmishing and Liability to War;—Mazarin as yet thinking our side the weaker.*] The advantages that were taken of the discontents and divisions among ourselves did also ferment that War, and at least hinder us of an honourable peace; every man being confident we could not hold out long. And surely they did not calculate amiss, if the Lord had not been exceedingly gracious to us! I say, at the same time we had a War with France. [*Yes, your Highness said so,—and we admit it!*] And besides the sufferings in respect to the Trade of the Nation, it's most evident

<sup>1</sup> Who protected Rupert in his quasi-piracies, and did require chastisement from us.

that the Purse of the Nation could not have been able much longer to bear it,—by reason of the advantages taken by other States to improve their own, and spoil our Manufacture of Cloth, and hinder the vent thereof; which is the great staple commodity of this Nation. [*And has continued to be!*] Such was our condition: spoiled in our Trade, and we at this vast expense; thus dissettled at home, and having these engagements abroad.<sup>1</sup>

CARLYLE'S *Cromwell*.

## THE COMMON PEOPLE AND THE CIVIL WAR

WHEREVER they found any person of quality inclined to the king, or but disinclined to them, they immediately seized upon his person, and sent him in great triumph to the parliament, who committed him to prison, with all circumstances of cruelty and inhumanity.

Thus they took prisoner the Lord Mountague of Boughton, at his house in Northamptonshire, a person of great reverence, being above fourscore years of age, and of unblemished reputation, for declaring himself unsatisfied with their disobedient and undutiful proceedings against the king, and more expressly against their ordinance for the militia; and notwithstanding that he had a brother of the House of Peers, the Lord Privy Seal, and a nephew, the Lord Kimbolton, who had as full a power in that council as any man, and a son in the House of Commons very unlike his father; his lordship was committed to the Tower a close prisoner; and though he was afterwards remitted to more air, he continued a prisoner to his death.

Thus they took prisoner in Oxfordshire the Earl of Berkshire, and three or four principal gentlemen of that county; and committed them to the Tower, for no other reason but wishing well to the king; for they never appeared in the least action in his service. And thus they took prisoner the Earl of Bath in Devonshire, who neither had, or ever meant to do the king the least service; but only out of the morosity of his own nature, had before, in the House, expressed him-

<sup>1</sup> The notes and comments are Carlyle's.

self not of their mind; and carried him, with many other gentlemen of Devon and Somerset, with a strong guard of horse, to London; where, after they had been exposed to the rudeness and reproach of the common people, who called them traitors and rebels to the parliament, and pursued them with such usage as they use to the most infamous malefactors, they were, without ever being examined, or charged with any particular crime, committed to several prisons; so that not only all the prisons about London were quickly filled with persons of honour, and great reputation for sobriety and integrity to their counties, but new prisons were made for their reception; and, which was a new and barbarous invention, very many persons of very good quality, both of the clergy and laity, were committed to prison on board the ships in the river of Thames; where they were kept under decks, and no friend suffered to come to them, by which many lost their lives. And that the loss of their liberty might not be all their punishment, it was the usual course, and very few escaped it, after any man was committed as a notorious malignant (which was the brand), that his estate and goods were seized or plundered by an order from the House of Commons, or some committee, or the soldiers, who in their march took the goods of all catholics and eminent malignants, as lawful prize; or by the fury and licence of the common people, who were in all places grown to that barbarity and rage against the nobility and gentry (under the style of cavaliers), that it was not safe for any to live in their houses, who were taken notice of as no votaries to the parliament.

So the common people (no doubt by the advice of their superiors) in Essex on a sudden beset the house of Sir John Lucas, one of the best gentlemen of that county, and of the most eminent affection to the king, being a gentleman of the Privy Chamber to the Prince of Wales; and, upon pretence that he was going to the king, possessed themselves of all his horses and arms, seized upon his person, and used him with all possible indignities, not without some threats to murder him: and when the Mayor of Colchester, whither he was brought, with more humanity than the rest, offered to keep him prisoner in his own house, till the pleasure of the parliament should be farther known, they compelled him, or he was

willing to be compelled, to send him to the common gaol; where he remained, glad of that security, till the House of Commons removed him to another prison (without ever charging him with any crime), having sent all his horses to the Earl of Essex, to be used in the service of that army.

At the same time the same rabble entered the house of the Countess of Rivers, near Colchester; for no other ground, than that she was a papist; and in few hours disfurnished it of all the goods, which had been many years with great curiosity providing, and were not of less value than forty thousand pounds sterling; the countess herself hardly escaping, after great insolence had been used to her person; and she could never receive any reparation from the parliament; so that these and many other instances of the same kind in London and the parts adjacent, gave sufficient evidence to all men how little else they were to keep, who meant to preserve their allegiance and integrity in the full vigour.

I must not forget, though it cannot be remembered without much horror, that this strange wildfire among the people was not so much and so furiously kindled by the breath of the parliament, as of the clergy, who both administered fuel, and blowed the coals in the houses too. These men having creeped into, and at last driven all learned and orthodox men from, the pulpits, had, as is before remembered, from the beginning of this parliament, under the notion of reformation and extirpating of popery, infused seditious inclinations into the hearts of men against the present government of the church, with many libellous invectives against the state too. But since the raising an army, and rejecting the king's last overture of a treaty, they contained themselves within no bounds; and as freely and without control inveighed against the person of the king, as they had before against the worst malignant; profanely and blasphemously applying whatsoever had been spoken and declared by God himself, or the prophets, against the most wicked and impious kings, to incense and stir up the people against their most gracious sovereign.

There are monuments enough in the seditious sermons at that time printed, and in the memories of men, of others not printed, of such wresting and perverting of scripture to the odious purposes of the preacher, that pious men will not look

over without trembling. One takes his text out of Moses's words in the 32nd chapter of Exodus, and the 29th verse; *Consecrate yourselves to-day to the Lord, even every man upon his son, and upon his brother, that he may bestow upon you a blessing this day:* and from thence incites his auditory to the utmost prosecution of those, under what relation soever of blood, neighbourhood, dependence, who concurred not in the reformation proposed by the parliament. Another makes as bold with David's words, in the 1st Chron. chap. xxii. verse 16. *Arise therefore, and be doing:* and from thence assures them, it was not enough to wish well to the parliament; if they brought not their purse, as well as their prayers, and their hands, as well as their hearts, to the assistance of it, the duty in the text was not performed. There [were] more than Mr. Marshall, who from the 23rd verse of the 5th chapter of Judges: *Curse ye, Meroz, said the angel of the Lord; curse ye bitterly the inhabitants thereof, because they came not to the help of the Lord, to the help of the Lord against the mighty;* presumed to inveigh against, and in plain terms to pronounce God's own curse against all those, who came not, with their utmost power and strength, to destroy and root out all the malignants, who in any degree opposed the parliament.

There was one, who from the 48th chapter of the prophet Jeremiah, and the 10th verse, *Cursed be he that keepeth back his sword from blood,* reprov'd those who gave any quarter to the king's soldiers. And another out of the 5th verse of the 25th chapter of Proverbs, *Take away the wicked from before the king, and his throne shall be established in righteousness,* made it no less a case of conscience by force to remove the evil counsellors from the king (with bold intimation what might be done to the king himself, if he would not suffer them to be removed), than to perform any Christian duty that is enjoined. It would fill a volume to insert all the impious madness of this kind, so that the complaint of the prophet Ezekiel might most truly and seasonably have been applied; *There is a conspiracy of her prophets in the midst thereof, like a roaring lion ravening the prey; they have devoured souls; they have taken the treasure and precious things; they have made her many widows in the midst thereof.* Ezek. xxii. 25. . . .

No good Christian can, without horror, think of those ministers of the church, who, by their function being messengers of peace, were the only trumpets of war, and incendiaries towards rebellion. How much more Christian was that Athenian nun in Plutarch, and how shall she rise up in judgment against those men, who, when Alcibiades was condemned by the public justice of the state, and a decree made that all the religious priests and women should ban and curse him, stoutly refused to perform that office; answering, "that she was professed religious, to *pray* and to *bless*, not to *curse* and to *ban*." And if the person and the place can improve and aggravate the offence (as without doubt it doth, both before God and man), methinks the preaching treason and rebellion out of the pulpits should be worse than the advancing it in the market, as much as poisoning a man at the communion would be worse than murdering him at a tavern. And it may be, in that catalogue of sins, which the zeal of some men hath thought to be the sin against the Holy Ghost, there may not any one be more reasonably thought to be such, than a minister of Christ's turning rebel against his prince (which is a most notorious apostasy against his order), and his preaching rebellion to the people, as the doctrine of Christ; which, adding blasphemy and pertinacy to his apostasy, hath all the marks by which good men are taught to avoid that sin against the Holy Ghost.

EARL OF CLARENDON.

### THE RENCONTRE AT WORCESTER

WITHIN three or four days after the king's remove from Nottingham, the Earl of Essex, with his whole army, removed from Northampton, and marched towards Worcester; of which his majesty had no sooner intelligence, than he sent Prince Rupert, with the greatest part of the horse, on the other side of the Severn, towards that city; as well to observe the motion of the enemy, as to give all assistance to that place, which had declared good affections to him; at least to countenance and secure the retreat of those gentlemen, who were there raising forces for the king; but especially

to join with Sir John Byron, whom his majesty had sent in the end of August, to Oxford, to convey some money, which had been secretly brought from London thither, to his majesty. And he, after some small disasters in his march, by the insurrection of the country people, who were encouraged by the agents for the parliament, and seconded by the officers of the militia, came safe with his charge to Worcester; where he had been very few hours, when a strong party of horse and dragoons, being sent by the Earl of Essex, under the command of Nathaniel Fiennes, son to the Lord Say, came to surprise the town; which was open enough to have been entered in many places, though in some it had an old decayed wall; and, at the most usual and frequented entrances into the city, weak and rotten gates to be shut, but without either lock or bolt.

Yet this doughty commander, coming early in the morning, when the small guard which had watched, conceiving all to be secure, were gone to rest, and being within musket shot of the gate before he was discovered, finding that weak door shut, or rather closed against him, and not that quick appearance of a party within the town, as he promised himself, without doing any harm retired in great disorder, and with so much haste, that the wearied horse, sent out presently to attend him, could not overtake any of his train; so that when Prince Rupert came thither, they did not conceive any considerable party of the enemy to be near. However his highness resolved to retire from thence, as soon as he should receive perfect intelligence of the motion of the enemy, or where he certainly was, when on the sudden, being reposing himself on the ground with Prince Maurice his brother, the Lord Digby, and the principal officers, in the field before the town, some of his wearied troops (for they had had a long march) being by, but the rest and most of the officers being in the town, he espied a fair body of horse, consisting of near five hundred, marching in very good order up a lane within musket shot of him. In this confusion, they had scarce time to get upon their horses, and none to consult on what was to be done, or to put themselves into their several places of command. And, it may be, it was well they had not; for if all those officers had been at the heads of their several troops, it is not impossible it

might have been worse. But the prince instantly declaring, "that he would charge"; his brother, the Lord Digby, Commissary General Wilmot, Sir John Byron, Sir Lewis Dives, and all those officers and gentlemen, whose troops were not present or ready, put themselves next the prince; the other wearied troops coming in order after them.

And in this manner the prince charged them, as soon as they came out of the lane; and being seconded by this handful of good men, though the rebels being gallantly led by Colonel Sandys (a gentleman of Kent, and the son of a worthy father), and completely armed both for offence and defence, stood well; yet in a short time, many of their best men being killed, and Colonel Sandys himself falling with his hurts, the whole body was routed, fled, and was pursued by the conquerors for the space of above a mile. The number of the slain were not many, not above forty or fifty, and those most officers; for their arms were so good, that in the charge they were not to be easily killed, and in the chase the goodness of their horse made it impossible. Colonel Sandys, who died shortly after of his wounds, Captain Wingate, who was the more known, by being a member of the House of Commons, and taken notice of for having in that charge behaved himself stoutly, and two or three Scottish officers, were taken prisoners. Of the king's party none of name was lost: Commissary General Wilmot hurt with a sword in the side, and Sir Lewis Dives in the shoulder, and two or three other officers of inferior note; none miscarrying of their wounds, which was the more strange for that, by reason they expected not an encounter, there was not, on the prince's side, a piece of armour worn that day, and but few pistols; so that most of the hurt that was done was by the sword. Six or seven cornets [of the enemy's] were taken, and many good horses, and some arms; for they who ran away made themselves as light as they could. This rencounter proved of unspeakable advantage and benefit to the king.

EARL OF CLARENDON.



## GOVERNMENT AND LIBERTY

## I.—THE KING, PARLIAMENT AND PEOPLE

WHEN the king summons or calls together a parliament, he does it by virtue and in discharge of that office, which he has received from the people, that he may advise with them about the weighty affairs of the kingdom, not his own particular affairs. Or when at any time the parliament debated of the king's own affairs, if any could properly be called his own, they were always the last things they did; and it was in their choice when to debate of them, and whether at all or no, and depended not upon the king's pleasure. And they whom it concerns to know this, know very well, that parliaments anciently, whether summoned or not, might by law meet twice a year. But the laws are called too, "the king's laws." These are flattering ascriptions; a king of England can of himself make no law; for he was not constituted to make laws, but to see those laws kept, which the people made, . . . wherefore the law is also called the law of the land, and the people's law. Whence King Ethelstane in the preface to his laws, speaking to all the people, "I have granted you everything," says he, "by your own law." And in the form of the oath, which the kings of England used to take before they were made kings, the people stipulate with them thus: "Will you grant those just laws, which the people shall choose?" The king answers, "I will." And you are infinitely mistaken in saying, that "when there is no parliament sitting, the king governs the whole state of the kingdom, to all intents and purposes, by a regal power." For he can determine nothing of any moment, with respect to either peace or war: nor can he put any stop to the proceedings of the courts of justice. And the judges therefore swear, that they will do nothing judicially, but according to law, though the king by word, or mandate, or letters under his own seal, should command the contrary. Hence it is that the king is often said in our law to be an infant; and to possess his rights and dignities, as a child or a ward does his; see the *Mirror*, cap. 4. sect. 22. And hence is that common saying amongst us, that "the

king can do no wrong": which you, like a rascal, interpret thus, "Whatever the king does, is no injury, because he is not liable to be punished for it." By this very comment, if there were nothing else, the wonderful impudence and villany of this fellow discovers itself sufficiently. "It belongs to the head," you say, "to command, and not to the members: the king is the head of the parliament." You would not trifle thus, if you had any guts in your brains. You are mistaken again (but there is no end to your mistakes) in not distinguishing the king's counsellors from the states of the realm: for neither ought he to make choice of all of them, nor of any of them, which the rest do not approve of; but for electing any member of the House of Commons, he never so much as pretended to it. Whom the people appointed to that service, they were severally chosen by the votes of all the people in their respective cities, towns, and counties. . . .

You say, that "there is no mention of parliaments held under our kings, that reigned before William the Conqueror." It is not worth while to jangle about a French word: the thing was always in being; and you yourself allow that in the Saxon times, Concilia Sapientum, Wittenagemots are mentioned. And there are wise men among the body of the people, as well as amongst the nobility. But "in the statute of Merton, made in the twentieth year of King Henry the Third, the earls and barons are only named." Thus you are always imposed upon by words, who yet have spent your whole life in nothing else but words; for we know very well that in that age, not only the guardians of the cinque-ports, and magistrates of cities, but even tradesmen are sometimes called barons; and without doubt, they might much more reasonably call every member of parliament, though never so much a commoner, by the name of baron. For that in the fifty-second year of the same king's reign, the commoners as well as the lords were summoned, the statute of Marlbridge, and most other statutes, declare in express words; which commoners King Edward the Third, in the preface to the statute-staple, calls, "Magnates Comitatum, the great men of the counties," as you very learnedly quote it for me; those, to wit, "that came out of several counties, and served for them"; which number

of men constituted the House of Commons, and neither were lords, nor could be. Besides, a book more ancient than those statutes, called, "*Modus habendi Parliamenta*, i.e. the manner of holding parliaments," tells us, that the king and the commons may hold a parliament, and enact laws, though the lords, the bishops are absent; but that with the lords and the bishops, in the absence of the commons, no parliament can be held. And there is a reason given for it, viz. because kings held parliaments and councils with their people before any lords or bishops were made; besides, the lords serve for themselves only, the commons each for the county, city, or borough that sent them. And that therefore the commons in parliament represent the whole body of the nation; in which respect they are more worthy, and every way preferable to the house of peers.

"But the power of judicature," you say, "never was invested in the House of Commons." Nor was the king ever possessed of it: remember though, that originally all power proceeded, and yet does proceed, from the people. Which Marcus Tullius excellently well shows in his oration "*De lege Agraria*," of the Agrarian law: "As all powers, authorities, and public administrations ought to be derived from the whole body of the people; so those of them ought in an especial manner so to be derived, which are ordained and appointed for the common benefit and interest of all, to which employments every particular person may both give his vote for the choosing such persons as he thinks will take most care of the public, and withal by voting and making interest for them, lay such obligations upon them as may entitle them to their friendship and good offices in time to come." Here you see the true rise and original of parliaments, and that it was much ancients than the Saxon chronicles. Whilst we may dwell in such a light of truth and wisdom, as Cicero's age afforded, you labour in vain to blind us with the darkness of obscurer times. By the saying whereof I would not be understood to derogate in the least from the authority and prudence of our ancestors, who most certainly went further in the enacting of good laws, than either the ages they lived in, or their own learning or education seem to have been capable of; and though sometimes they made laws that were none of the best, yet

as being conscious to themselves of the ignorance and infirmity of human nature, they have conveyed this doctrine down to posterity, as the foundation of all laws which likewise all our lawyers admit, that if any law or custom be contrary to the law of God, of nature, or of reason, it ought to be looked upon as null and void. Whence it follows, that though it were possible for you to discover any statute, or other public sanction, which ascribed to the king a tyrannical power, since that would be repugnant to the will of God, to nature and to right reason, you may learn from that general and primary law of ours, which I have just now quoted, that it will be null and void. But you will never be able to find, that any such right of kings has the least foundation in our law. Since it is plain therefore, that the power of judicature was originally in the people themselves; and that the people never did by any royal law part with it to the king. . . .

## II.—OLIVER CROMWELL

Oliver Cromwell was sprung from a line of illustrious ancestors, who were distinguished for the civil functions which they sustained under the monarchy, and still more for the part which they took in restoring and establishing true religion in this country. In the vigour and maturity of his life, which he passed in retirement, he was conspicuous for nothing more than for the strictness of his religious habits, and the innocence of his life; and he had tacitly cherished in his breast that flame of piety which was afterwards to stand him in so much stead on the greatest occasions, and in the most critical exigencies. In the last parliament which was called by the king, he was elected to represent his native town, when he soon became distinguished by the justness of his opinions, and the vigour and decision of his councils. When the sword was drawn, he offered his services, and was appointed to a troop of horse, whose numbers were soon increased by the pious and the good, who flocked from all quarters to his standard; and in a short time he almost surpassed the greatest generals in the magnitude and the rapidity of his achievements. Nor is this surprising; for he was a soldier disciplined to perfection in the knowledge

of himself. He had either extinguished, or by habit had learned to subdue, the whole host of vain hopes, fears, and passions, which infest the soul. He first acquired the government of himself, and over himself acquired the most signal victories; so that on the first day he took the field against the external enemy, he was a veteran in arms, consummately practised in the toils and exigencies of war. It is not possible for me in the narrow limits in which I circumscribe myself on this occasion, to enumerate the many towns which he has taken, the many battles which he has won. The whole surface of the British Empire has been the scene of his exploits, and the theatre of his triumphs; which alone would furnish ample materials for a history, and want a copiousness of narration not inferior to the magnitude and diversity of the transactions. This alone seems to be a sufficient proof of his extraordinary and almost supernatural virtue, that by the vigour of his genius, or the excellence of his discipline, adapted, not more to the necessities of war than to the precepts of Christianity, the good and the brave were from all quarters attracted to his camp, not only as to the best school of military talents, but of piety and virtue; and that during the whole war, and the occasional intervals of peace, amid so many vicissitudes of faction and of events, he retained and still retains the obedience of his troops, not by largesses or indulgence, but by his sole authority and the regularity of his pay. In this instance his fame may rival that of Cyrus, of Epaminondas, or any of the great generals of antiquity. Hence he collected an army as numerous and as well equipped as any one ever did in so short a time; which was uniformly obedient to his orders, and dear to the affections of the citizens; which was formidable to the enemy in the field, but never cruel to those who laid down their arms; which committed no lawless ravages on the persons or the property of the inhabitants; who, when they compared their conduct with the turbulence, the intemperance, the impiety, and the debauchery of the royalists, were wont to salute them as friends, and to consider them as guests. They were a stay to the good, a terror to the evil, and the warmest advocates for every exertion of piety and virtue. Nor would it be right to pass over the name of Fairfax, who united the utmost fortitude with the utmost

courage; and the spotless innocence of whose life seemed to point him out as the peculiar favourite of Heaven. Justly, indeed, may you be excited to receive this wreath of praise; though you have retired as much as possible from the world, and seek those shades of privacy which were the delight of Scipio. Nor was it only the enemy whom you subdued, but you have triumphed over that flame of ambition and that lust of glory which are wont to make the best and the greatest of men their slaves. The purity of your virtues and the splendour of your actions consecrate those sweets of ease which you enjoy, and which constitute the wished-for haven of the toils of man. Such was the ease which, when the heroes of antiquity possessed, after a life of exertion and glory not greater than yours, the poets, in despair of finding ideas or expressions better suited to the subject, feigned that they were received into heaven, and invited to recline at the tables of the gods. But whether it were your health, which I principally believe, or any other motive which caused you to retire, of this I am convinced, that nothing could have induced you to relinquish the service of your country, if you had not known that in your successor liberty would meet with a protector, and England with a stay to its safety, and a pillar to its glory. For, while you, O Cromwell, are left among us, he hardly shows a proper confidence in the Supreme, who distrusts the security of England; when he sees that you are in so special a manner the favoured object of the divine regard. But there was another department of the war, which was destined for your exclusive exertions.

Without entering into any length of detail, I will, if possible, describe some of the most memorable actions, with as much brevity as you performed them with celerity. After the loss of all Ireland, with the exception of one city, you in one battle immediately discomfited the forces of the rebels: and were busily employed in settling the country, when you were suddenly recalled to the war in Scotland. Hence you proceeded with unwearied diligence against the Scots, who were on the point of making an irruption into England with the king in their train: and in about the space of one year you entirely subdued, and added to the English dominion, that kingdom which all our monarchs, during a

period of 800 years, had in vain struggled to subject. In one battle you almost annihilated the remainder of their forces, who, in a fit of desperation had made a sudden incursion into England, then almost destitute of garrisons, and got as far as Worcester; when you came up with them by forced marches, and captured almost the whole of their nobility. A profound peace ensued; when we found, though indeed not then for the first time, that you were as wise in the cabinet as valiant in the field. It was your constant endeavour in the senate either to induce them to adhere to those treaties which they had entered into with the enemy, or speedily to adjust others which promised to be beneficial to the country. But when you saw that the business was artfully procrastinated, that every one was more intent on his own selfish interest than on the public good, that the people complained of the disappointments which they had experienced, and the fallacious promises by which they had been gulled, that they were the dupes of a few overbearing individuals, you put an end to their domination. A new parliament is summoned; and the right of election given to those to whom it was expedient. They meet; but do nothing; and, after having wearied themselves by their mutual dissensions, and fully exposed their incapacity to the observation of the country, they consent to a voluntary dissolution. In this state of desolation, to which we were reduced, you, O Cromwell! alone remained to conduct the government, and to save the country. We all willingly yield the palm of sovereignty to your unrivalled ability and virtue, except the few among us, who, either ambitious of honours which they have not the capacity to sustain, or who envy those which are conferred on one more worthy than themselves, or else who do not know that nothing in the world is more pleasing to God, more agreeable to reason, more politically just, or more generally useful, than that the supreme power should be vested in the best and the wisest of men. Such, O Cromwell, all acknowledge you to be; such are the services which you have rendered, as the leader of our councils, the general of our armies, and the father of your country. For this is the tender appellation by which all the good among us salute you from the very soul. Other names you neither have nor could endure;

and you deservedly reject that pomp of title which attracts the gaze and admiration of the multitude. For what is a title but a certain definite mode of dignity? but actions such as yours surpass, not only the bounds of our admiration, but our titles; and, like the points of pyramids, which are lost in the clouds, they soar above the possibilities of titular commendation. But since, though it be not fit, it may be expedient, that the highest pitch of virtue should be circumscribed within the bounds of some human appellation, you endured to receive, for the public good, a title most like to that of the father of your country; not to exalt, but rather to bring you nearer to the level of ordinary men; the title of king was unworthy the transcendent majesty of your character. For if you had been captivated by a name over which, as a private man, you had so completely triumphed and crumbled into dust, you would have been doing the same thing as if, after having subdued some idolatrous nation by the help of the true God, you should afterwards fall down and worship the gods which you had vanquished. Do you then, sir, continue your course with the same unrivalled magnanimity; it sits well upon you;—to you our country owes its liberties; nor can you sustain a character at once more momentous and more august than that of the author, the guardian, and the preserver of our liberties; and hence you have not only eclipsed the achievements of all our kings, but even those which have been fabled of our heroes. Often reflect what a dear pledge the beloved land of your nativity has entrusted to your care; and that liberty which she once expected only from the chosen flower of her talents and her virtues, she now expects from you only, and by you only hopes to obtain. Revere the fond expectations which we cherish, the solitudes of your anxious country; revere the looks and the wounds of your brave companions in arms, who, under your banners, have so strenuously fought for liberty; revere the shades of those who perished in the contest; revere also the opinions and the hopes which foreign states entertain concerning us, who promise to themselves so many advantages from that liberty which we have so bravely acquired, from the establishment of that new government which has begun to shed its splendour on the world, which, if it be suffered to vanish like a dream, would



involve us in the deepest abyss of shame; and lastly, revere yourself; and, after having endured so many sufferings and encountered so many perils for the sake of liberty, do not suffer it, now it is obtained, either to be violated by yourself, or in any one instance impaired by others. You cannot be truly free unless we are free too: for such is the nature of things, that he who entrenches on the liberty of others, is the first to lose his own and become a slave. But if you, who have hitherto been the patron and tutelary genius of liberty, if you, who are exceeded by no one in justice, in piety, and goodness, should hereafter invade that liberty which you have defended, your conduct must be fatally operative, not only against the cause of liberty, but the general interests of piety and virtue. Your integrity and virtue will appear to have evaporated, your faith in religion to have been small; your character with posterity will dwindle into insignificance, by which a most destructive blow will be levelled against the happiness of mankind. The work which you have undertaken is of incalculable moment, which will thoroughly sift and expose every principle and sensation of your heart, which will fully display the vigour and genius of your character, which will evince whether you really possess those great qualities of piety, fidelity, justice, and self-denial, which made us believe that you were elevated by the special direction of the Deity to the highest pinnacle of power. At once wisely and discreetly to hold the sceptre over three powerful nations, to persuade people to relinquish inveterate and corrupt for new and more beneficial maxims and institutions, to penetrate into the remotest parts of the country, to have the mind present and operative in every quarter, to watch against surprise, to provide against danger, to reject the blandishments of pleasure and pomp of power;—these are exertions compared with which the labour of war is mere pastime; which will require every energy and employ every faculty that you possess; which demand a man supported from above, and almost instructed by immediate inspiration. These and more than these are, no doubt, the objects which occupy your attention and engross your soul; as well as the means by which you may accomplish these important ends, and render our liberty at once more ample and more secure.

And this you can, in my opinion, in no other way so readily effect, as by associating in your councils the companions of your dangers and your toils; men of exemplary modesty, integrity, and courage; whose hearts have not been hardened in cruelty and rendered insensible to pity by the sight of so much ravage and so much death, but whom it has rather inspired with the love of justice, with a respect for religion, and with the feeling of compassion, and who are more zealously interested in the preservation of liberty, in proportion as they have encountered more perils in its defence.

### III.—TRUE LIBERTY AND THE SPIRIT OF CITIZENSHIP

It is of no little consequence, O citizens, by what principles you are governed, either in acquiring liberty, or in retaining it when acquired. And unless that liberty which is of such a kind as arms can neither procure nor take away, which alone is the fruit of piety, of justice, of temperance, and unadulterated virtue, shall have taken deep root in your minds and hearts, there will not long be wanting one who will snatch from you by treachery what you have acquired by arms. War has made many great whom peace makes small. If after being released from the toils of war, you neglect the arts of peace, if your peace and your liberty be a state of warfare, if war be your only virtue, the summit of your praise, you will, believe me, soon find peace the most adverse to your interests. Your peace will be only a more distressing war; and that which you imagined liberty will prove the worst of slavery. Unless by the means of piety, not frothy and loquacious, but operative, unadulterated, and sincere, you clear the horizon of the mind from those mists of superstition which arise from the ignorance of true religion, you will always have those who will bend your necks to the yoke as if you were brutes, who, notwithstanding all your triumphs, will put you up to the highest bidder, as if you were mere booty made in war; and will find an exuberant source of wealth in your ignorance and superstition. Unless you will subjugate the propensity to avarice, to ambition, and sensuality, and expel all luxury from yourselves and from your families, you will find that

you have cherished a more stubborn and intractable despot at home, than you ever encountered in the field; and even your very bowels will be continually teeming with an intolerable progeny of tyrants. Let these be the first enemies whom you subdue; this constitutes the campaign of peace; these are triumphs, difficult indeed, but bloodless; and far more honourable than those trophies which are purchased only by slaughter and by rapine. Unless you are victors in this service, it is in vain that you have been victorious over the despotic enemy in the field.

For if you think that it is a more grand, a more beneficial, or a more wise policy, to invent subtle expedients for increasing the revenue, to multiply our naval and military force, to rival in craft the ambassadors of foreign states, to form skilful treaties and alliances, than to administer unpolluted justice to the people, to redress the injured, and to succour the distressed, and speedily to restore to every one his own, you are involved in a cloud of error; and too late will you perceive, when the illusion of those mighty benefits has vanished, that in neglecting these, which you now think inferior considerations, you have only been precipitating your own ruin and despair. The fidelity of enemies and allies is frail and perishing, unless it be cemented by the principles of justice; that wealth and those honours, which most covet, readily change masters; they forsake the idle, and repair where virtue, where industry, where patience flourish most. Thus nation precipitates the downfall of nation; thus the more sound part of one people subverts the more corrupt; thus you obtained the ascendant over the royalists. If you plunge into the same depravity, if you imitate their excesses, and hanker after the same vanities, you will become royalists as well as they, and liable to be subdued by the same enemies, or by others in your turn; who, placing their reliance on the same religious principles, the same patience, the same integrity and discretion which made you strong, will deservedly triumph over you who are immersed in debauchery, in the luxury and the sloth of kings. Then, as if God was weary of protecting you, you will be seen to have passed through the fire, that you might perish in the smoke; the contempt which you will then experience will be great as the admiration

which you now enjoy; and, what may in future profit others, but cannot benefit yourselves, you will leave a salutary proof what great things the solid reality of virtue and of piety might have effected, when the mere counterfeit and varnished resemblance could attempt such mighty achievements, and make such considerable advances towards the execution.

For, if either through your want of knowledge, your want of constancy, or your want of virtue, attempts so noble, and actions so glorious, have had an issue so unfortunate, it does not therefore follow, that better men should be either less daring in their projects or less sanguine in their hopes. But from such an abyss of corruption into which you so readily fall, no one, not even Cromwell himself, nor a whole nation of Brutuses, if they were alive, could deliver you if they would, or would deliver you if they could. For who would vindicate your right of unrestrained suffrage, or of choosing what representatives you liked best, merely that you might elect the creatures of your own faction, whoever they might be, or him, however small might be his worth, who would give you the most lavish feasts, and enable you to drink to the greatest excess? . . . For, should the management of the republic be entrusted to persons to whom no one would willingly entrust the management of his private concerns; and the treasury of the state be left to the care of those who had lavished their own fortunes in an infamous prodigality? Should they have the charge of the public purse, which they would soon convert into a private, by their unprincipled peculations?

Are they fit to be the legislators of a whole people who themselves know not what law, what reason, what right and wrong, what crooked and straight, what licit and illicit means? who think that all power consists in outrage, all dignity in the parade of insolence? who neglect every other consideration for the corrupt gratification of their friendships, or the prosecution of their resentments? who disperse their own relations and creatures through the provinces, for the sake of levying taxes and confiscating goods; men, for the greater part, the most profligate and vile, who buy up for themselves what they pretend to expose to sale, who thence collect an exorbitant mass of wealth, which they

fraudulently divert from the public service; who thus spread their pillage through the country, and in a moment emerge from penury and rags to a state of splendour and of wealth? Who could endure such thievish servants, such vicegerents of their lords? Who could believe that the masters and the patrons of a banditti could be the proper guardians of liberty? or who would suppose that he should ever be made one hair more free by such a set of public functionaries (though they might amount to five hundred elected in this manner from the counties and boroughs), when among them who are the very guardians of liberty, and to whose custody it is committed, there must be so many, who know not either how to use or to enjoy liberty, who neither understand the principles nor merit the possession? But, what is worthy of remark, those who are the most unworthy of liberty are wont to behave most ungratefully towards their deliverers. Among such persons, who would be willing either to fight for liberty, or to encounter the least peril in its defence? It is not agreeable to the nature of things that such persons ever should be free. However much they may brawl about liberty, they are slaves, both at home and abroad, but without perceiving it; and when they do perceive it, like unruly horses that are impatient of the bit, they will endeavour to throw off the yoke, not from the love of genuine liberty (which a good man only loves and knows how to obtain), but from the impulses of pride and little passions.

JOHN MILTON.

## IN PRAISE OF ENGLAND

LORDS and Commons of England, consider what nation it is whereof ye are, and whereof ye are the governors: a nation not slow and dull, but of a quick, ingenious and piercing spirit, acute to invent, subtle and sinewy to discourse, not beneath the reach of any point, the highest that human capacity can soar to. Therefore the studies of Learning in her deepest sciences have been so ancient and so eminent among us, that writers of good antiquity and ablest judgment have been persuaded that even the school of Pythagoras and the Persian wisdom took beginning from

the old philosophy of this island. And that wise and civil Roman, Julius Agricola, who governed once here for Cæsar, preferred the natural wits of Britain before the laboured studies of the French. Nor is it for nothing that the grave and frugal Transylvanian sends out yearly from as far as the mountainous borders of Russia, and beyond the Hercynian wilderness, not their youth, but their staid men, to learn our language and our theologic arts.

Yet that which is above all this, the favour and the love of Heaven, we have great argument to think in a peculiar manner propitious and propending towards us. Why else was this nation chosen before any other, that out of her, as out of Sion, should be proclaimed and sounded forth the first tidings and trumpet of Reformation to all Europe? And had it not been the obstinate perverseness of our prelates against the divine and admirable spirit of Wickliff, to suppress him as a schismatic and innovator, perhaps neither the Bohemian Huss and Jerome, no nor the name of Luther or of Calvin had been ever known: the glory of reforming all our neighbours had been completely ours. But now, as our obdurate clergy have with violence demeaned the matter, we are become hitherto the latest and backwardest scholars, of whom God offered to have made us the teachers. Now once again by all concurrence of signs, and by the general instinct of holy and devout men, as they daily and solemnly express their thoughts, God is decreeing to begin some new and great period in His Church, even to the reforming of Reformation itself: what does He then but reveal Himself to His servants, and as His manner is, first to His Englishmen? I say, as His manner is, first to us, though we mark not the method of His counsels, and are unworthy.

Behold now this vast City, a city of refuge, the mansion house of liberty, encompassed and surrounded with His protection; the shop of war hath not there more anvils and hammers waking, to fashion out the plates and instruments of armed Justice in defence of beleaguered Truth, than there be pens and heads there, sitting by their studious lamps, musing, searching, revolving new notions and ideas wherewith to present, as with their homage and their fealty, the approaching Reformation: others as fast reading, trying

all things, assenting to the force of reason and convincement. What could a man require more from a nation so pliant and so prone to seek after knowledge? What wants there to such a towardly and pregnant soil, but wise and faithful labourers, to make a knowing people, a nation of Prophets, of Sages, and of Worthies? We reckon more than five months yet to harvest; there need not be five weeks; had we but eyes to lift up, the fields are white already.

Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making. Under these fantastic terrors of sect and schism, we wrong the earnest and zealous thirst after knowledge and understanding which God hath stirred up in this city. What some lament of, we rather should rejoice at, should rather praise this pious forwardness among men, to reassume the ill-reputed care of their religion into their own hands again. A little generous prudence, a little forbearance of one another, and some grain of charity might win all these diligences to join, and unite in one general and brotherly search after Truth; could we but forego this prelatical tradition of crowding free consciences and Christian liberties into canons and precepts of men. I doubt not, if some great and worthy stranger should come among us, wise to discern the mould and temper of a people, and how to govern it, observing the high hopes and aims, the diligent alacrity of our extended thoughts and reasonings in the pursuance of truth and freedom, but that he would cry out as Pyrrhus did, admiring the Roman docility and courage: If such were my Epirots, I would not despair the greatest design that could be attempted, to make a church or kingdom happy.

Yet these are the men cried out against for schismatics and sectaries; as if, while the temple of the Lord was building, some cutting, some squaring the marble, others hewing the cedars, there should be a sort of irrational men who could not consider there must be many schisms and many dissections made in the quarry and in the timber, ere the house of God can be built. And when every stone is laid artfully together, it cannot be united into a continuity, it can but be contiguous in this world; neither can every piece of the building be of one form; nay rather the perfection

consists in this, that, out of many moderate varieties and brotherly dissimilitudes that are not vastly disproportional, arises the goodly and the graceful symmetry that commends the whole pile and structure.

Let us therefore be more considerate builders, more wise in spiritual architecture, when great reformation is expected. For now the time seems come, wherein Moses the great prophet may sit in heaven rejoicing to see that memorable and glorious wish of his fulfilled, when not only our seventy Elders, but all the Lord's people, are become prophets. No marvel then though some men, and some good men too perhaps, but young in goodness, as Joshua then was, envy them. They fret, and out of their own weakness are in agony, lest these divisions and subdivisions will undo us. The adversary again applauds, and waits the hour: When they have branched themselves out, saith he, small enough into parties and partitions, then will be our time. Fool! he sees not the firm root, out of which we all grow, though into branches: nor will be ware until he see our small divided maniples cutting through at every angle of his ill-united and unwieldy brigade. And that we are to hope better of all these supposed sects and schisms, and that we shall not need that solicitude, honest perhaps though over-timorous of them that vex in this behalf, but shall laugh in the end at those malicious applauders of our differences, I have these reasons to persuade me.

First, when a city shall be as it were besieged and blocked about, her navigable river infested, inroads and incursions round, defiance and battle oft rumoured to be marching up even to her walls and suburb trenches, that then the people, or the greater part, more than at other times, wholly taken up with the study of highest and most important matters to be reformed, should be disputing, reasoning, reading, inventing, discoursing, even to a rarity and admiration, things not before discoursed or written of, argues first a singular goodwill, contentedness and confidence in your prudent foresight and safe government, Lords and Commons; and from thence derives itself to a gallant bravery and well grounded contempt of their enemies, as if there were no small number of as great spirits among us, as his was, who when Rome was nigh besieged by Hannibal, being in the



city, bought that piece of ground at no cheap rate, whereon Hannibal himself encamped his own regiment.

Next, it is a lively and cheerful presage of our happy success and victory. For as in a body, when the blood is fresh, the spirits pure and vigorous, not only to vital but to rational faculties, and those in the acutest and the pertest operations of wit and subtlety, it argues in what good plight and constitution the body is; so when the cheerfulness of the people is so sprightly up, as that it has not only wherewith to guard well its own freedom and safety, but to spare, and to bestow upon the solidest and sublimest points of controversy and new invention, it betokens us not degenerated, nor drooping to a fatal decay, but casting off the old and wrinkled skin of corruption to outlive these pangs and wax young again, entering the glorious ways of truth and prosperous virtue, destined to become great and honourable in these latter ages. Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks. Methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full midday beam: purging and unscaling her long-abused sight at the fountain itself of heavenly radiance; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms.

What should ye do then? should ye suppress all this flowery crop of knowledge and new light sprung up and yet springing daily in this city? should ye set an oligarchy of twenty engrossers over it, to bring a famine upon our minds again, when we shall know nothing but what is measured to us by their bushel? Believe it, Lords and Commons, they who counsel ye to such a suppressing do as good as bid ye suppress yourselves; and I will soon show how. If it be desired to know the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild and free and humane government. It is the liberty, Lords and Commons, which your own valorous and happy counsels have purchased us, liberty which is the nurse of all great wits; this is that which hath rarefied and enlightened our spirits like the influence of

heaven; this is that which hath enfranchised, enlarged and lifted up our apprehensions degrees above themselves.

Ye cannot make us now less capable, less knowing, less eagerly pursuing of the truth, unless ye first make yourselves, that made us so, less the lovers, less the founders of our true liberty. We can grow ignorant again, brutish, formal and slavish, as ye found us; but you then must first become that which ye cannot be, oppressive, arbitrary and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts more erected to the search and expectation of greatest and exactest things, is the issue of your own virtue propagated in us; ye cannot suppress that, unless ye reinforce an abrogated and merciless law, that fathers may despatch at will their own children. And who shall then stick closest to ye, and excite others? not he who takes up arms for coat and conduct, and his four nobles of Danegelt. Although I dispraise not the defence of just immunities, yet love my peace better, if that were all. Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.

What would be best advised, then, if it be found so hurtful and so unequal to suppress opinions for the newness, or the unsuitableness to a customary acceptance, will not be my task to say. I only shall repeat what I have learned from one of your own honourable number, a right noble and pious lord, who, had he not sacrificed his life and fortunes to the church and commonwealth, we had not now missed and bewailed a worthy and undoubted patron of this argument. Ye know him, I am sure; yet I for honour's sake, and may it be eternal to him, shall name him, the Lord Brook. He writing of Episcopacy and by the way treating of sects and schisms, left ye his vote, or rather now the last words of his dying charge, which I know will ever be of dear and honoured regard with ye, so full of meekness and breathing charity, that next to His last testament, who bequeathed love and peace to His disciples, I cannot call to mind where I have read or heard words more mild and peaceful. He there exhorts us to hear with patience and humility those, however they be miscalled, that desire to live purely, in such a use of God's ordinances, as the best guidance of their conscience gives them, and to tolerate them, though in some

disconformity to ourselves. The book itself will tell us more at large, being published to the world, and dedicated to the parliament by him who, both for his life and for his death, deserves that what advice he left be not laid by without perusal.

And now the time in special is, by privilege to write and speak what may help to the further discussing of matters in agitation. The temple of Janus with his two controversial faces might now not unsignificantly be set open. And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously, by licensing and prohibiting, to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter? Her confuting is the best and surest suppressing. He who hears what praying there is for light and clearer knowledge to be sent down among us, would think of other matters to be constituted beyond the discipline of Geneva, framed and fabricked already to our hands. Yet when the new light which we beg for shines in upon us, there be who envy and oppose, if it come not first in at their casements. What a collusion is this, whenas we are exhorted by the wise man to use diligence, to seek for wisdom as for hidden treasures early and late, that another order shall enjoin us to know nothing but by statute? When a man hath been labouring the hardest labour in the deep mines of knowledge; hath furnished out his findings in all their equipage; drawn forth his reasons as it were a battle ranged; scattered and defeated all objections in his way; calls out his adversary into the plain, offers him the advantage of wind and sun, if he please, only that he may try the matter by dint of argument: for his opponents then to skulk, to lay ambushments, to keep a narrow bridge of licensing where the challenger should pass, though it be valour enough in soldiership, is but weakness and cowardice in the wars of Truth.

For who knows not that Truth is strong, next to the Almighty? She needs no policies, nor stratagems, nor licensings to make her victorious; those are the shifts and the defences that error uses against her power. Give her but room, and do not bind her when she sleeps, for then she speaks not true, as the old Proteus did, who spake oracles

only when he was caught and bound, but then rather she turns herself into all shapes, except her own, and perhaps tunes her voice according to the time, as Micaiah did before Ahab, until she be adjured into her own likeness. Yet is it not impossible that she may have more shapes than one. What else is all that rank of things indifferent, wherein Truth may be on this side or on the other, without being unlike herself? What but a vain shadow else is the abolition of those ordinances, that hand-writing nailed to the cross? What great purchase is this Christian liberty which Paul so often boasts of? His doctrine is, that he who eats or eats not, regards a day or regards it not, may do either to the Lord. How many other things might be tolerated in peace, and left to conscience, had we but charity, and were it not the chief stronghold of our hypocrisy to be ever judging one another?

I fear yet this iron yoke of outward conformity hath left a slavish print upon our necks; the ghost of a linen decency yet haunts us. We stumble and are impatient at the least dividing of one visible congregation from another, though it be not in fundamentals; and through our forwardness to suppress, and our backwardness to recover any enthralled piece of truth out of the gripe of custom, we care not to keep truth separated from truth, which is the fiercest rent and disunion of all. We do not see that, while we still affect by all means a rigid external formality, we may as soon fall again into a gross conforming stupidity, a stark and dead congealment of wood and hay and stubble, forced and frozen together, which is more to the sudden degenerating of a church than many subdichotomies of petty schisms.

Not that I can think well of every light separation, or that all in a church is to be expected gold and silver and precious stones: it is not possible for man to sever the wheat from the tares, the good fish from the other fry; that must be the angels' ministry at the end of mortal things. Yet if all cannot be of one mind,—as who looks they should be?—this doubtless is more wholesome, more prudent, and more Christian that many be tolerated, rather than all compelled. I mean not tolerated popery and open superstition, which, as it extirpates all religions and civil supremacies, so itself

should be extirpate, provided first that all charitable and compassionate means be used to win and regain the weak and the misled: that also which is impious or evil absolutely either against faith or manners no law can possibly permit, that intends not to unlaw itself: but those neighbouring differences, or rather indifferences, are what I speak of, whether in some point of doctrine or of discipline, which, though they may be many, yet need not interrupt the unity of Spirit, if we could but find among us the bond of peace.

JOHN MILTON.

## THE RESTORATION

It has been a frequent reproach to the conductors of this great revolution, that the king was restored without those terms and limitations which might secure the nation against his abuse of their confidence; and this, not only by contemporaries who had suffered by the political and religious changes consequent on the restoration, or those who, in after times, have written with some prepossession against the English church and constitutional monarchy, but by the most temperate and reasonable men; so that it has become almost regular to cast on the Convention Parliament, and more especially on Monk, the imputation of having abandoned public liberty, and brought on, by their inconsiderate loyalty, or self-interested treachery, the misgovernment of the two last Stuarts, and the necessity of their ultimate expulsion. But as this is a very material part of our history, and those who pronounce upon it have not always a very distinct notion either of what was or what could have been done, it may be worth while to consider the matter somewhat more analytically; confining myself, it is to be observed, in the present chapter, to what took place before the king's personal assumption of the government on the 29th of May, 1660. The subsequent proceedings of the Convention Parliament fall within another period.

We may remark, in the first place, that the unconditional restoration of Charles the Second is sometimes spoken of in too hyperbolic language, as if he had come in as a sort of conqueror, with the laws and liberties of the people at his

discretion. Yet he was restored to nothing but the bounded prerogatives of a king of England; bounded by every ancient and modern statute, including those of the Long Parliament, which had been enacted for the subjects' security. If it be true, as I have elsewhere observed, that the Long Parliament, in the year 1641, had established, in its most essential parts, our existing constitution, it can hardly be maintained that fresh limitations and additional securities were absolutely indispensable, before the most fundamental of all its principles, the government by king, lords, and commons, could be permitted to take its regular course. Those who so vehemently reprobate the want of conditions at the restoration would do well to point out what conditions should have been imposed, and what mischiefs they can probably trace from their omission. They should be able also to prove that, in the circumstances of the time, it was quite as feasible and convenient to make certain secure and obligatory provisions the terms of the king's restoration, as seems to be taken for granted.

The chief presbyterians appear to have considered the treaty of Newport, if not as fit to be renewed in every article, yet at least as the basis of the compact into which they were to enter with Charles. But were the concessions wrested in this treaty from his father, in the hour of peril and necessity, fit to become the permanent rules of the English constitution? Turn to the articles prescribed by the Long Parliament in that negotiation. Not to mention the establishment of a rigorous presbytery in the church, they had insisted on the exclusive command of all forces by land and sea for twenty years, with the sole power of levying and expending the monies necessary for their support; on the nomination of the principal officers of state, and of the judges during the same period; and on the exclusion of the king's adherents from all trust or political power. Admit even that the insincerity and arbitrary principles of Charles the First had rendered necessary such extraordinary precautions, was it to be supposed that the executive power should not revert to his successor? Better it were, beyond comparison, to maintain the perpetual exclusion of his family, than to mock them with such a titular crown, the certain cause of discontent and intrigue, and to mingle premature distrust with their professions of

affection. There was undoubtedly much to apprehend from the king's restoration; but it might be expected, that a steady regard for public liberty in the parliament and the nation would obviate that danger without any momentous change of the constitution; or that if such a sentiment should prove unhappily too weak, no guarantees of treaties or statutes would afford a genuine security.

If, however, we were to be convinced that the restoration was effected without a sufficient safeguard against the future abuses of royal power, we must still allow, on looking attentively at the circumstances, that there were very great difficulties in the way of any stipulations for that purpose. It must be evident, that any formal treaty between Charles and the English government, as it stood in April, 1660, was inconsistent with their common principle. That government was, by its own declarations, only *de facto*, only temporary; the return of the secluded members to their seats, and the votes they subsequently passed, held forth to the people that everything done since the force put on the house in December, 1648, was by an usurpation; the restoration of the ancient monarchy was implied in all recent measures, and was considered as out of all doubt by the whole kingdom. But between a king of England and his subjects no treaty, as such, could be binding; there was no possibility of entering into stipulations with Charles, though in exile, to which a court of justice would pay the slightest attention, except by means of acts of parliament. It was doubtless possible that the council of state might have entered into a secret agreement with him on certain terms, to be incorporated afterwards into bills, as at the treaty of Newport. But at that treaty his father, though in prison, was the acknowledged sovereign of England; and it is manifest that the king's recognition must precede the enactment of any law. It is equally obvious that the contracting parties would no longer be the same, and that the conditions that seemed indispensable to the council of state might not meet with the approbation of parliament. It might occur to an impatient people, that the former were not invested with such legal or permanent authority as could give them any pretext for bargaining with the king, even in behalf of public liberty.

But, if the council of state, or even the parliament on its

first meeting, had resolved to tender any hard propositions to the king, as the terms, if not of his recognition, yet of his being permitted to exercise the royal functions, was there not a possibility that he might demur about their acceptance, that a negotiation might ensue to procure some abatement, that in the interchange of couriers between London and Brussels, some weeks at least might be whiled away? Clarendon, we are sure, inflexible and uncompromising as to his master's honour, would have dissuaded such enormous sacrifices as had been exacted from the late king. And during this delay, while no legal authority would have subsisted, so that no officer could have collected the taxes or executed process without liability to punishment, in what a precarious state would the parliament have stood! On the one hand, the nation almost maddened with the intoxication of reviving loyalty, and rather prone to cast at the king's feet the privileges and liberties it possessed, than to demand fresh security for them, might insist upon his immediate return, and impair the authority of parliament. On the other hand, the army, desperately irreconcilable to the name of Stuart, and sullenly resisting the hypocrisy that had deluded them, though they knew no longer where to seek a leader, were accessible to the furious commonwealth's men, who, rushing as it were with lighted torches along their ranks, endeavoured to rekindle a fanaticism that had not quite consumed its fuel. (See *Life of Clarendon*.) The escape of Lambert from the Tower had struck a panic into all the kingdom; some such action might again furnish a rallying point for the disaffected, and plunge the country into an unfathomable abyss of confusion. Hence the motion of Sir Matthew Hale, in the convention parliament, to appoint a committee, who should draw up propositions to be sent over for the king's acceptance, does not appear to me to be well timed and expedient; nor can I censure Monk for having objected to it. The business in hand required greater dispatch. If the king's restoration was an essential blessing, it was not to be thrown away in the debates of a committee. A wary, scrupulous, conscientious English lawyer, like Sir Matthew Hale, is always wanting in the rapidity and decision necessary for revolutions, though he may be highly useful in preventing them from going too far.



It is, I confess, more probable that the king would have accepted almost any conditions tendered to him; such at least would have been the advice of most of his counsellors; and his own conduct in Scotland was sufficient to show how little any sense of honour or dignity would have stood in his way. But on what grounds did his English friends, nay, some of the presbyterians themselves, advise his submission to the dictates of that party? It was in the expectation that the next free parliament, summoned by his own writ, would undo all this work of stipulation, and restore him to an unfettered prerogative. And this expectation there was every ground, from the temper of the nation, to entertain. Unless the convention parliament had bargained for its own perpetuity, or the privy council had been made immovable, or a military force, independent of the crown, had been kept up to overawe the people,—all of them most unconstitutional and abominable usurpations,—there was no possibility of maintaining the conditions, whatever they might have been, from the want of which so much mischief is fancied to have sprung. Evils did take place, dangers did arise, the liberties of England were once more impaired; but these are far less to be ascribed to the actors in the restoration, than to the next parliament, and to the nation who chose it.

I must once more request the reader to take notice, that I am not here concerned with the proceedings of the Convention Parliament after the king's return to England, which, in some respects, appear to me censurable; but discussing the question, whether they were guilty of any fault in not tendering bills of limitation on the prerogative, as preliminary conditions of his restoration to the exercise of his lawful authority. And it will be found, upon a review of what took place in that interregnum from their meeting together on the 25th of April, 1660, to Charles's arrival in London on the 29th of May, that they were less unmindful than has been sometimes supposed of provisions to secure the kingdom against the perils which had seemed to threaten it in the restoration.

On the 25th April, the commons met and elected Grimston, a moderate presbyterian, as their speaker, somewhat against the secret wish of the cavaliers, who, elated by their success

in the elections, were beginning to aim at superiority, and to show a jealousy of their late allies. On the same day, the doors of the House of Lords were found open; and ten peers, all of whom had sat in 1648, took their place as if nothing more than a common adjournment had passed in the interval. There was, however, a very delicate and embarrassing question, that had been much discussed in their private meetings. The object of these, as I have mentioned, was to impose terms on the king, and maintain the presbyterian ascendancy. But the peers of this party were far from numerous, and must be out-voted, if all the other lawful members of the house should be admitted to their privileges. Of these there were three classes. The first was of the peers who had come to their titles since the commencement of the civil war, and whom there was no colour of justice, nor any vote of the house to exclude. To some of these accordingly they caused letters to be directed; and the others took their seats without objection on the 26th and 27th of April, on the latter of which days thirty-eight peers were present. The second class was of those who had joined Charles the First, and had been excluded from sitting in the house by votes of the Long Parliament. These it had been in contemplation among the presbyterian junto to keep out; but the glaring inconsistency of such a measure with the popular sentiment, and the strength that the first class had given to the royalist interest among the aristocracy, prevented them from insisting on it. A third class consisted of those who had been created since the great seal was taken to York in 1642; some by the late king, others by the present in exile; and these, according to the fundamental principle of the parliamentary side, were incapable of sitting in the house. It was probably one of the conditions on which some meant to insist, conformably to the articles of the treaty of Newport, that the new peers should be perpetually incapable; or even that none in future should have the right of voting, without the concurrence of both houses of parliament. An order was made therefore on May 4, that no lords created since 1642 should sit. This was vacated by a subsequent resolution of May 31.

A message was sent down to the commons on April 27, desiring a conference on the great affairs of the kingdom.

This was the first time that word had been used for more than eleven years. But the commons, in returning an answer to this message, still employed the word Nation. It was determined that the conference should take place on the ensuing Tuesday, the first of May. In this conference, there can be no doubt that the question of further securities against the power of the crown would have been discussed. But Monk, whether from conviction of their inexperience, or to atone for his ambiguous delay, had determined to prevent any encroachment on the prerogative. He caused the king's letter to the council of state, and to the two houses of parliament, to be delivered on that very day. A burst of enthusiastic joy testified their long repressed wishes; and when the conference took place, the Earl of Manchester was instructed to let the commons know that the lords do own and declare that, according to the ancient and fundamental laws of this kingdom, the government is and ought to be by king, lords, and commons. On the same day, the commons resolved to agree in this vote; and appointed a committee to report what pretended acts and ordinances were inconsistent with it.

It is however so far from being true that this convention gave itself up to a blind confidence in the king, that their journals during the month of May bear witness to a considerable activity in furthering provisions, which the circumstances appeared to require. They appointed a committee, on May 3, to consider of the king's letter and declaration, both holding forth, it will be remembered, all promises of indemnity, and every thing that could tranquillise apprehension, and to propose bills accordingly, especially for taking away military tenures. One bill was brought into the house, to secure lands purchased from the trustees of the late parliament; another, to establish ministers already settled in benefices; a third, for a general indemnity; a fourth, to take away tenures in chivalry and wardship; a fifth, to make void all grants of honour or estate, made by the late or present king since May, 1642. Finally, on the very 29th of May, we find a bill read twice and committed, for the confirmation of privilege of parliament, *Magna Charta*, the Petition of Right, and other great constitutional statutes. These measures, though some of them were never completed,

prove that the restoration was not carried forward with so thoughtless a precipitancy and neglect of liberty as has been asserted.

HENRY HALLAM.

### THE HEREDITARY MONARCH

To state the matter shortly, the sovereign has, under a constitutional monarchy such as ours, three rights; the right to be consulted, the right to encourage, the right to warn; and a king of great sense and sagacity would want no others,—he would find that his having no others would enable him to use these with singular effect. He would say to his minister, “The responsibility of these measures is upon you; whatever you think best must be done, whatever you think best shall have my full and effectual support. BUT you will observe that for this reason and that reason, what you propose to do is bad; for this reason and that reason, what you do not propose is better. I do not oppose—it is my duty not to oppose; but observe that I *warn*.” Supposing the king to be right, and to have—what kings often have—the gift of effectual expression, he could not help moving his minister. He might not always turn his course, but he would always trouble his mind.

In the course of a long reign, a sagacious king would acquire an experience with which few ministers could contend. The king could say, “Have you referred to the transactions which happened during such and such an administration, I think about fourteen years ago? They afford an instructive example of the bad results which are sure to attend the policy which you propose. You did not at that time take so prominent a part in public life as you now do, and it is possible you do not fully remember all the events. I should recommend you to recur to them, and to discuss them with your older colleagues who took part in them. It is unwise to recommence a policy which so lately worked so ill.” The king would indeed have the advantage which a permanent under-secretary has over his superior, the parliamentary secretary, — that of having shared in the proceedings of the previous parliamentary secretaries. These proceedings were part of his own life: occupied the

best of his thoughts, gave him perhaps anxiety, perhaps pleasure, were commenced in spite of his dissuasion or were sanctioned by his approval. The parliamentary secretary vaguely remembers that something was done in the time of some of his predecessors, when he very likely did not know the least or care the least about that sort of public business; he has to begin by learning painfully and imperfectly what the permanent secretary knows by clear and instant memory. No doubt a parliamentary secretary always can, and sometimes does, silence his subordinate by the tacit might of his superior dignity; he says, "I do not think there is much in all that. Many errors were committed at the time you refer to which we need not now discuss." A pompous man easily sweeps away the suggestions of those beneath him. But though a minister may so deal with his subordinate, he cannot so deal with his king. The social force of admitted superiority, by which he overturned his under-secretary, is now not with him but against him; he has no longer to regard the deferential hints of an acknowledged inferior, but to answer the arguments of a superior to whom he has himself to be respectful. George III. in fact knew the forms of public business as well (as) or better than any statesman of his time: if in addition to his capacity as a man of business and to his industry he had possessed the higher faculties of a discerning statesman, his influence would have been despotic. The old constitution of England undoubtedly gave a sort of power to the crown which our present constitution does not give: while a majority in parliament was principally purchased by royal patronage, the king was a party to the bargain either with his minister or without his minister. But even under our present constitution a monarch like George III. with high abilities, would possess the greatest influence. It is known to all Europe that in Belgium, King Leopold has exercised immense power by the use of such means as I have described.

It is known, too, to every one conversant with the real course of the recent history of England, that Prince Albert really did gain great power in precisely the same way. He had the rare gifts of a constitutional monarch; if his life had been prolonged twenty years, his name would have been known to Europe as that of King Leopold is known. While

he lived he was at a disadvantage: the statesmen who had most power in England were men of far greater experience than himself. He might, and no doubt did, exercise a great if not a commanding influence over Lord Malmesbury; but he could not rule Lord Palmerston. The old statesman who governed England at an age when most men are unfit to govern their own families remembered a whole generation of statesmen who were dead before Prince Albert was born. The two were of different ages and different natures: the elaborateness of the German prince—an elaborateness which has been justly and happily compared with that of Goethe—was wholly alien to the half-Irish, half-English statesman; the somewhat boisterous courage in minor dangers, and the obtrusive use of an always effectual but not always refined commonplace, which are Lord Palmerston's defects, doubtless grated on Prince Albert, who had a scholar's caution and a scholar's courage. The facts will be known to our children's children, though not to us. Prince Albert did much, but he died ere he could have made his influence felt on a generation of statesmen less experienced than he was, and anxious to learn from him.

It would be childish to suppose that a conference between a minister and his sovereign can ever be a conference of pure argument. "The divinity which doth hedge a king" may have less sanctity than it had, but it still has much sanctity. No one, or scarcely any one, can argue with a cabinet minister in his own room as well as he would argue with another man in another room: he cannot make his own points as well, he cannot unmake as well the points presented to him. A monarch's room is worse. The best instance is Lord Chatham, the most dictatorial and imperious of English statesmen, and almost the first English statesman who was borne into power against the wishes of the king and against the wishes of the nobility,—the first popular minister. We might have expected a proud tribune of the people to be dictatorial to his sovereign,—to be to the king what he was to all others. On the contrary, he was the slave of his own imagination; there was a kind of mystic enchantment in vicinity to the monarch which divested him of his ordinary nature. "The least peep into the king's closet," said Mr. Burke, "intoxicates him, and will to the end of his

life." A wit said that even at the levee he bowed so low that you could see the tip of his hooked nose between his legs. He was in the habit of kneeling at the bedside of George III. while transacting business. Now, no man can *argue* on his knees: the same superstitious feeling which keeps him in that physical attitude will keep him in a corresponding mental attitude. He will not refute the bad arguments of the king as he will refute another man's bad arguments; he will not state his own best arguments effectively and incisively when he knows that the king would not like to hear them. In a nearly balanced argument the king must always have the better, and in politics many most important arguments are nearly balanced. Whenever there was much to be said for the king's opinion, it would have its full weight: whatever was said for the minister's opinions would only have a lessened and enfeebled weight.

The king, too, possesses a power, according to theory for extreme use on a critical occasion, but which he can in law use on any occasion,—he can dissolve; he can say to his minister in fact, if not in words, "This parliament sent you here, but I will see if I cannot get another parliament to send some one else here." George III. well understood that it was best to take his stand at times and on points when it was perhaps likely, or at any rate not unlikely, the nation would support him. He always made a minister that he did not like, tremble at the shadow of a possible successor. He had a cunning in such matters like the cunning of insanity. He had conflicts with the ablest men of his time, and he was hardly ever baffled. He understood how to help a feeble argument by a tacit threat, and how best to address it to a habitual deference.

Perhaps such powers as these are what a wise man would most seek to exercise and least fear to possess. To wish to be a despot, "to hunger after tyranny," as the Greek phrase had it, marks in our day an uncultivated mind. A person who so wishes cannot have weighed what Butler calls the "doubtfulness things are involved in." To be sure you are right to impose your will, or to wish to impose it, with violence upon others; to see your own ideas vividly and fixedly, and to be tormented till you can apply them in life and practice; not to like to hear the opinions of others,

to be unable to sit down and weigh the truth they have;—are but crude states of intellect in our present civilisation. We know at least that facts are many; that progress is complicated; that burning ideas (such as young men have) are mostly false and always incomplete. The notion of a far-seeing and despotic statesman, who can lay down plans for ages yet unborn, is a fancy generated by the pride of the human intellect, to which facts give no support. The plans of Charlemagne died with him; those of Richelieu were mistaken, those of Napoleon gigantesque and frantic. But a wise and great constitutional monarch attempts no such vanities. His career is not in the air: he labours in the world of sober fact; he deals with schemes which can be effected, schemes which are desirable, schemes which are worth the cost. He says to the ministry his people send to him, to ministry after ministry, "I think so and so: do you see if there is anything in it. I have put down my reasons in a certain memorandum, which I will give you. Probably it does not exhaust the subject, but it will suggest materials for your consideration." By years of discussion with ministry after ministry, the best plans of the wisest king would certainly be adopted, and the inferior plans, the impracticable plans, rooted out and rejected. He could not be uselessly beyond his time, for he would have been obliged to convince the representatives—the characteristic men—of his time. He would have the best means of proving that he was right on all new and strange matters; for he would have won to his side, probably, after years of discussion, the chosen agents of the commonplace world,—men who were where they were because they had pleased the men of the existing age, who will never be much disposed to new conceptions or profound thoughts. A sagacious and original constitutional monarch might go to his grave in peace if any man could: he would know that his best laws were in harmony with his age; that they suited the people who were to work them, the people who were to be benefited by them. And he would have passed a happy life; he would have passed a life in which he could always get his arguments heard; in which he could always make those who had the responsibility of action think of them before they acted; in which he could know that the schemes



which he had set at work in the world were not the casual accidents of an individual idiosyncrasy, which are mostly much wrong, but the likeliest of all things to be right,—the ideas of one very intelligent man at last accepted and acted on by the ordinary intelligent many.

WALTER BAGEHOT.

## THE EAST INDIA COMPANY

THE house the English live in at Surat, is partly the king's gift, partly hired; built of stone and excellent timber, with good carving, without representations; very strong, for that each floor is half a yard thick at least, of the best plastered cement, which is very weighty. It is contrived after the Moor's buildings, with upper and lower galleries, or terrace-walks; a neat oratory, a convenient open place for meals. The president has spacious lodgings, noble rooms for counsel and entertainment, pleasant tanks, yards, and a hummum to wash in; but no gardens in the city, or very few, though without the city they have many, like wildernesses, overspread with trees. The English had a neat one, but Sevaji's coming destroyed it. It is known, as the other factories are, by their several flags flying.

Here they live (in shipping-time) in a continual hurly-burly, the Banians presenting themselves from the hour of ten till noon; and then after noon at four till night, as if it were an exchange in every row; below stairs, the packers and warehouse-keepers, together with merchants bringing and receiving musters, make a mere Billingsgate; for if you make not a noise, they hardly think you intent on what you are doing.

Among the English, the business is distributed into four offices; the accomptant, who is next in dignity to the president, the general accompts of all India, as well as this place, passing through his hands; he is quasi treasurer, signing all things, though the broker keep the cash. Next him is the warehouse-keeper, who registers all Europe goods vended, and receives all Eastern commodities bought; under him is the purser marine, who gives account of all goods exported

and imported, pays seamen their wages, provides wagons and porters, looks after tackling for ships, and ships' stores. Last of all is the secretary, who models all consultations, writes all letters, carries them to the president and council to be perused and signed; keeps the Company's seal, which is affixed to all passes and commissions; records all transactions, and sends copies of them to the Company; though none of these, without the president's approbation, can act or do any thing. The affairs of India are solely under his regulation; from him issue out all orders, by him all preferment is disposed; by which means the council are biassed by his arbitrament.

The whole mass of the Company's servants may be comprehended in these classes, viz.: merchants, factors, and writers; some bluecoat boys also have been entertained under notion of apprentices for seven years, which being expired, if they can get security, they are capable of employments. The writers are obliged to serve five years for £10 *per ann.*, giving in a bond of £500 for good behaviour, all which time they serve under some of the forementioned officers: after which they commence factors, and rise to preferment and trust, according to seniority or favour, and therefore have a £1,000 bond exacted from them, and have their salary augmented to £20 *per ann.* for three years, then entering into new indentures, are made senior factors; and lastly, merchants after three years more; out of whom are chose chiefs of factories, as places fall, and are allowed £40 *per ann.* during their stay in the Company's service, besides lodgings and victuals at the Company's charges.

These in their several seigniories behave themselves after the fundamentals of Surat, and in their respective factories live in the like grandeur; from whence they rise successively to be of the council in Surat, which is the great council; and if the president do not contradict, are sworn, and take their place accordingly, which consists of about five in number, besides the president, to be constantly resident.

As for the presidency, though the Company interpose a deserving man, yet they keep that power to themselves, none assuming that dignity till confirmed by them: his salary from the Company is £500 a year; half paid here, the other half reserved to be received at home, in case of misdemeanour

to make satisfaction; beside a bond of £5,000 sterling of good securities.

The accountant has £72 *per ann.*, fifty pound paid here, the other at home: all the rest are half paid here, half at home, except the writers, who have all paid here.

Out of the council are elected the Deputy-Governor of Bombay, and agent of Persia; the first a place of great trust, the other of profit; though, by the appointment from the Company, the secretary of India claims Bombay, and the secretary of Surat the agency of Persia, which is connived at, and made subject to the will of the president, by the interest of those whose lot they are; chusing rather to reside here, where consignments compensate those emoluments; so that none of the council, if noted in England, but makes considerably by his place, after the rate of five in the hundred, commission; and this is the Jacob's ladder by which they ascend.

It would be too mean to descend to indirect ways, which are chiefly managed by the Banians, the fittest tools for any deceitful undertaking; out of whom are made brokers for the Company, and private persons, who are allowed two per cent. on all bargains, besides what they squeeze secretly out of the price of things bought; which cannot be well understood for want of knowledge in their language; which ignorance is safer, than to hazard being poisoned for prying too nearly into their actions: though the Company, to encourage young men in their service, maintain a master to learn them to write and read the language, and an annuity to be annexed when they gain a perfection therein, which few attempt, and fewer attain.

To this factory belong twenty persons in number, reckoning Swally marine into the account; a minister for divine service, a surgeon, and when the president is here, a guard of English soldiers, consisting of a double file led by a sergeant.

The present deputy has only forty Moor-men, and a flag-man, carrying St. George his colours swallow-tailed in silk, fastened to a silver partisan; with a small attendance of horse with silver bridles, and furniture for the gentlemen of the house, and coaches for ladies and council.

The president besides these has a noise of trumpets, and

is carried himself in a palenkeen, a horse of state led before him, a mirchal (a fan of ostriches' feathers) to keep off the sun, as the Omrahs or great men have, none but the Emperor have a sumbrero among the Moguls: besides these, every one according to his quality has his menial servants to wait on him in his chamber, and follow him out. . . .

But lest the new Company should be exclaimed against as too greedy monopolisers, they permit free traders on their island Bombay; when, to speak truth, they are in a far worse condition than their servants; being tied up without hopes of raising themselves: so that in earnest they find out that to be but a trick.

However, to confess on the Company's behalf, the trade (I mean on this coast) for some years lately passed has hardly balanced expenses. They employing yearly forty sail of stout ships to and from all parts where they trade, out and home; manning and maintaining their island Bombay, Fort St. George, and St. Helens; besides large sums expended to bear out the port of their factors; which notwithstanding by impartial computation has been found inferior to the costs of the Hollanders, and therefore more to the profit of the English East India Company, than theirs, in the few years they have adventured; so that I should mightily blame them should they prove ungrateful to his majesty, who by his gracious favour has united them in a society, whereby they are competitors for riches (though not strength) with the notedest company in the universe.

This charter was granted presently after the happy restoration of our gracious sovereign, when order began to dawn, and dispel the dark chaos of popular community: then was sent out a president, to put their charter in force, and establish a graduation among their servants, which before was not observed; only for order's sake, they did nominate an agent; the rest being independent, made no distinction. When as now, after a better model, they commence according to their standing, and are under a collegiate manner of restraint.

JOHN FRYER.

## SILK AND WOOL

(1698)

THE Commons had, soon after they met, appointed a committee to enquire into the state of trade, and had referred to this committee several petitions from merchants and manufacturers who complained that they were in danger of being undersold, and who asked for additional protection.

A highly curious report on the importation of silks and the exportation of wool was soon presented to the House. It was in that age believed by all but a very few speculative men that the sound commercial policy was to keep out of the country the delicate and brilliantly tinted textures of southern looms, and to keep in the country the raw material on which most of our own looms were employed. It was now fully proved that, during eight years of war, the textures which it was thought desirable to keep out had been constantly coming in, and the material which it was thought desirable to keep in had been constantly going out. This interchange, an interchange, as it was imagined, pernicious to England, had been chiefly managed by an association of Huguenot refugees, residing in London. Whole fleets of boats with illicit cargoes had been passing and repassing between Kent and Picardy. The loading and unloading had taken place sometimes in Romney Marsh, sometimes on the beach under the cliffs between Dover and Folkstone. All the inhabitants of the south eastern coast were in the plot. It was a common saying among them that, if a gallows were set up every quarter of a mile along the coast, the trade would still go on briskly. It had been discovered, some years before, that the vessels and the hiding places which were necessary to the business of the smuggler had frequently afforded accommodation to the traitor. The report contained fresh evidence upon this point. It was proved that one of the contrabandists had provided the vessel in which the ruffian O'Brien had carried Scum Goodman over to France.

The inference which ought to have been drawn from these facts was that the prohibitory system was absurd. That

system had not destroyed the trade which was so much dreaded, but had merely called into existence a desperate race of men who, accustomed to earn their daily bread by the breach of an unreasonable law, soon came to regard the most reasonable laws with contempt, and, having begun by eluding the custom house officers, ended by conspiring against the throne. And, if, in time of war, when the whole Channel was dotted with our cruisers, it had been found impossible to prevent the regular exchange of the fleeces of Cotswold for the alamoses of Lyons, what chance was there that any machinery which could be employed in time of peace would be more efficacious? The politicians of the seventeenth century, however, were of opinion that sharp laws sharply administered could not fail to save Englishmen from the intolerable grievance of selling dear what could be best produced by themselves, and of buying cheap what could be best produced by others. The penalty for importing French silks was made more severe. An act was passed which gave to a joint stock company an absolute monopoly of lustrings for a term of fourteen years. The fruit of these wise counsels was such as might have been foreseen. French silks were still imported; and, long before the term of fourteen years had expired, the funds of the Lustring Company had been spent, its offices had been shut up, and its very name had been forgotten at Jonathan's and Garraway's.

Not content with prospective legislation, the Commons unanimously determined to treat the offences which the committee had brought to light as high crimes against the state, and to employ against a few cunning mercers in Nicholas Lane and the Old Jewry all the gorgeous and cumbrous machinery which ought to be reserved for the delinquencies of great ministers and judges. It was resolved, without a division, that several Frenchmen and one Englishman who had been deeply concerned in the contraband trade should be impeached. Managers were appointed: articles were drawn up: preparations were made for fitting up Westminster Hall with benches and scarlet hangings: and at one time it was thought that the trials would last till the partridge shooting began. But the defendants, having little hope of acquittal, and not wishing that the peers should come to the business of fixing the punishment

in the temper which was likely to be the effect of an August passed in London, very wisely declined to give their lordships unnecessary trouble, and pleaded guilty. The sentences were consequently lenient. The French offenders were merely fined; and their fines probably did not amount to a fifth part of the sums which they had realised by unlawful traffic. The Englishman who had been active in managing the escape of Goodman was both fined and imprisoned.

The progress of the woollen manufactures of Ireland excited even more alarm and indignation than the contraband trade with France. The French question indeed had been simply commercial. The Irish question, originally commercial, became political. It was not merely the prosperity of the clothiers of Wiltshire and of the West Riding that was at stake; but the dignity of the crown, the authority of the parliament, and the unity of the empire. Already might be discerned among the Englishry, who were now, by the help and under the protection of the mother country, the lords of the conquered island, some signs of a spirit, feeble indeed, as yet, and such as might easily be put down by a few resolute words, but destined to revive at long intervals, and to be stronger and more formidable at every revival.

The person who on this occasion came forward as the champion of the colonists, the forerunner of Swift and of Grattan, was William Molyneux. He would have rejected the name of Irishman as indignantly as a citizen of Marseilles or Cyrene, proud of his pure Greek blood, and fully qualified to send a chariot to the Olympic race course, would have rejected the name of Gaul or Libyan. He was, in the phrase of that time, an English gentleman of family and fortune born in Ireland. He had studied at the Temple, had travelled on the Continent, had become well known to the most eminent scholars and philosophers of Oxford and Cambridge, had been elected a member of the Royal Society of London, and had been one of the founders of the Royal Society of Dublin. In the days of Popish ascendancy he had taken refuge among his friends here: he had returned to his home when the ascendancy of his own caste had been re-established: and he had been chosen to represent the University of Dublin in the House of Commons. He had made great efforts to

promote the manufactures of the kingdom in which he resided; and he had found those efforts impeded by an act of the English parliament which laid severe restrictions on the exportation of woollen goods from Ireland. In principle this act was altogether indefensible. Practically it was altogether unimportant. Prohibitions were not needed to prevent the Ireland of the seventeenth century from being a great manufacturing country; nor could the most liberal bounties have made her so. The jealousy of commerce, however, is as fanciful and unreasonable as the jealousy of love. The clothiers of Wilts and Yorkshire were weak enough to imagine that they should be ruined by the competition of a half barbarous island, an island where there was far less capital than in England, where there was far less security for life and property than in England, and where there was far less industry and energy among the labouring classes than in England. Molyneux, on the other hand, had the sanguine temperament of a projector. He imagined that, but for the tyrannical interference of strangers, a Ghent would spring up in Connemara, and a Bruges in the Bog of Allen. And what right had strangers to interfere? Not content with showing that the law of which he complained was absurd and unjust, he undertook to prove that it was null and void. Early in the year 1698 he published and dedicated to the king a treatise in which it was asserted in plain terms that the English parliament had no authority over Ireland.

Whoever considers without passion or prejudice the great constitutional question which was thus for the first time raised will probably be of opinion that Molyneux was in error. The right of the parliament of England to legislate for Ireland rested on the broad general principle that the paramount authority of the mother country extends over all colonies planted by her sons in all parts of the world. This principle was the subject of much discussion at the time of the American troubles, and was then maintained, without any reservation, not only by the English ministers, but by Burke and all the adherents of Rockingham, and was admitted, with one single reservation, even by the Americans themselves. Down to the moment of separation the Congress fully acknowledged the competency of the king, lords and



Commons to make laws, of any kind but one, for Massachusetts and Virginia. The only power which such men as Washington and Franklin denied to the imperial legislature was the power of taxing. Within living memory, acts which have made great political and social revolutions in our colonies have been passed in this country; nor has the validity of those acts ever been questioned: and conspicuous among them were the law of 1807 which abolished the slave trade, and the law of 1833 which abolished slavery.

The doctrine that the parent state has supreme power over the colonies is not only borne out by authority and by precedent, but will appear, when examined, to be in entire accordance with justice and with policy. During the feeble infancy of colonies independence would be pernicious, or rather fatal, to them. Undoubtedly, as they grow stronger and stronger, it will be wise in the home government to be more and more indulgent. No sensible parent deals with a son of twenty in the same way as with a son of ten. Nor will any government not infatuated treat such a province as Canada or Victoria in the way in which it might be proper to treat a little band of emigrants who have just begun to build their huts on a barbarous shore, and to whom the protection of the flag of a great nation is indispensably necessary. Nevertheless, there cannot really be more than one supreme power in a society. If, therefore, a time comes at which the mother country finds it expedient altogether to abdicate her paramount authority over a colony, one of two courses ought to be taken. There ought to be complete incorporation, if such incorporation be possible. If not, there ought to be complete separation. Very few propositions in politics can be so perfectly demonstrated as this, that parliamentary government cannot be carried on by two really equal and independent parliaments in one empire.

And, if we admit the general rule to be that the English parliament is competent to legislate for colonies planted by English subjects, what reason was there for considering the case of the colony in Ireland as an exception? For it is to be observed that the whole question was between the mother country and the colony. The aboriginal inhabitants, more than five-sixths of the population, had no more interest in the matter than the swine or the poultry; or, if they had

an interest, it was for their interest that the caste which domineered over them should not be emancipated from all external control. They were no more represented in the parliament which sate at Dublin than in the parliament which sate at Westminster. They had less to dread from legislation at Westminster than from legislation at Dublin. They were, indeed, likely to obtain but a very scanty measure of justice from the English tories, a more scanty measure still from the English whigs: but the most acrimonious English whig did not feel towards them that intense antipathy, compounded of hatred, fear and scorn, with which they were regarded by the Cromwellian who dwelt among them.<sup>1</sup> For the Irishry Molyneux, though boasting that he was the champion of liberty, though professing to have learned his political principles from Locke's writings, and though confidently expecting Locke's applause, asked nothing but a more cruel and more hopeless slavery. What he claimed was that, as respected the colony to which he belonged, England should forego rights which she has exercised and is still exercising over every other colony that she has ever planted. And what reason could be given for making such a distinction? No colony had owed so much to England, No colony stood in such need of the support of England. Twice, within the memory of men then living, the natives had attempted to throw off the alien yoke; twice the intruders had been in imminent danger of extirpation; twice England had come to the rescue, and had put down the Celtic population under the feet of her own progeny. Millions of English money had been expended in the struggle.

<sup>1</sup> That a portion at least of the native population of Ireland looked to the parliament at Westminster for protection against the tyranny of the parliament at Dublin appears from a paper entitled *The Case of the Roman Catholic Nation of Ireland*. This paper, written in 1711 by one of the oppressed race and religion, is in a MS. belonging to Lord Fingall. The parliament of Ireland is accused of treating the Irish worse than the Turks treat the Christians, worse than the Egyptians treated the Israelites. "Therefore," says the writer, "they (the Irish) apply themselves to the present parliament of Great Britain as a parliament of nice honour and stanch justice. . . . Their request then is that this great parliament may make good the Treaty of Limerick in all the Civil Articles." In order to propitiate those to whom he makes this appeal, he accuses the Irish parliament of encroaching on the supreme authority of the English parliament, and charges the colonists generally with ingratitude to the mother country to which they owe so much.

English blood had flowed at the Boyne and at Athlone, at Aghrim and at Limerick. The graves of thousands of English soldiers had been dug in the pestilential morass of Dundalk. It was owing to the exertions and sacrifices of the English people that, from the basaltic pillars of Ulster to the lakes of Kerry, the Saxon settlers were trampling on the children of the soil. The colony in Ireland was therefore emphatically a dependency; a dependency, not merely by the common law of the realm, but by the nature of things. It was absurd to claim independence for a community which could not cease to be dependent without ceasing to exist.

Molyneux soon found that he had ventured on a perilous undertaking. A member of the English House of Commons complained in his place that a book which attacked the most precious privileges of the supreme legislature was in circulation. The volume was produced: some passages were read; and a committee was appointed to consider the whole subject. The committee soon reported that the obnoxious pamphlet was only one of several symptoms which indicated a spirit such as ought to be suppressed. The crown of Ireland had been most improperly described in public instruments as an imperial crown. The Irish lords and Commons had presumed, not only to re-enact an English act passed expressly for the purpose of binding them, but to re-enact it with alterations. The alterations were indeed small: but the alteration even of a letter was tantamount to a declaration of independence. Several addresses were voted without a division. The king was entreated to discourage all encroachments of subordinate powers on the supreme authority of the English legislature, to bring to justice the pamphleteer who had dared to question that authority, to enforce the acts which had been passed for the protection of the woollen manufactures of England, and to direct the industry and capital of Ireland into the channel of the linen trade, a trade which might grow and flourish in Leinster and Ulster without exciting the smallest jealousy at Norwich or at Halifax.

The king promised to do what the Commons asked: but in truth there was little to be done. The Irish, conscious of their impotence, submitted without a murmur. The Irish woollen manufacture languished and disappeared, as it

would, in all probability, have languished and disappeared if it had been left to itself. Had Molyneux lived a few months longer he would probably have been impeached. But the close of the session was approaching: and before the Houses met again a timely death had snatched him from their vengeance; and the momentous question which had been first stirred by him slept a deep sleep till it was revived in a more formidable shape, after the lapse of twenty-six years, by the fourth letter of The Drapier.

LORD MACAULAY.

## TWO TOWNS

### IPSWICH

Six miles up Harwich-water stands Ipswich, which is a gallant town, and rich; this town is such a place for the "busses,"<sup>1</sup> as in all England and Holland I know no place so convenient. First, it is the best place in all England for the building of "busses," both for the timber and plank, and excellent workmen for making of ships; there are more there, than there is in six of the best towns in all England. Secondly, it is a principal place for good house-wives, for spinning of yarn, for the making of pouldavis, for there is the best that is made; which town, with the use of making twine, will soon be the best place of all England for to provide nets for the "busses."

It is also a most convenient place for the wintering of the "busses"; for that all the shores of that river are altogether oozy and soft ground, fit for them to lie on in winter.

Also the Ipswich men are the chief merchant-adventurers of all England for all the East-lands, for the Suffolk cloths; and they have their factors lying all the year long in all those places where the Hollanders do vent their herrings, and where the best price and sale is continually. And although that yet there be no fishermen, yet have they store of sea-faring men, and for masters of the "busses," they may have enough from Yarmouth and Sowld, and the sea-coast

<sup>1</sup> Fishing smacks.

towns down their river: from Nacton and Chimton, Holbroke, Shotley and Cowlnes, they may get men that will soon be good fishermen, with but a little use; for understand thus much, that there is a kind of emulation in Holland, between the fishermen that go to sea in pinks and line-boats, winter and summer, and those fishermen that go in "busses"; for they in the pinks make a scorn of them in the "busses," and do call them Koe-milkens, or Cow-milkers: for indeed the most part of them be men of occupations in winter, or else countrymen, and do milk the cows themselves, and make all the Holland cheese, when they be at home.

This place is also most convenient for the erecting of salt-pans, for the making of salt upon salt, for that harbour is so good, that at all times ships may come up unto them with salt from Mayo, or Spanish salt to make the brine or pickle; and also the carvels from Newcastle with coals, for the boiling of it at the cheapest rates, at any time, may come thither.

### YARMOUTH

To the northward, two leagues, is the town of Great Yarmouth, very beautifully built upon a very pleasant and sandy plain, of three miles in length. This town is a place of great resort of all the herring fishermen of England, for thither do resort all the fishermen of the Cinque-ports and all the rest of the West-countrymen of England, as far as Bridport and Lime in Dorsetshire; and those herrings, that they do take, they do not barrel because their boats are but small things, but they sell all unto the Yarmouth herring-buyers for ready money; and also the fishermen of the North countries beyond Scarborough and Robin Hood's Bay, and some as far as the Bishoprick of Durham, do thither resort yearly, in poor little boats, called Five-men-cobbles; and all the herrings, that they take they sell fresh unto the Yarmouth-men to make red-herrings. Also to Yarmouth do daily come into the haven up to the key, all, or the most part, of the great fleet of Hollanders, which before I made relation of; that go in the sword-pinks, Holland-toads, crab-skuits, walnut-shells, and great and small

yeures, one hundred and two hundred sail at a time together; and all their herrings that they do bring in, they sell them all for ready money to the Yarmouth-men. And also the Frenchmen of Picardy and Normandy, some hundred sail of them at a time, do come thither, and all the herrings they catch they sell fresh unto these herring-mongers of Yarmouth for ready gold: so that it amounteth unto a great sum of money, that the Hollanders and Frenchmen do carry away from Yarmouth yearly into Holland and France, which money doth never come againe into England.

This town is very well governed by wise and civil magistrates, and good orders are carefully observed for the maintenance of their haven and Corporation, and this town by reason of the situation, and the fresh rivers that belong to it: one up to the city of Norwich, and another that runneth far up into Suffolk (a butter and cheese country) about Bungay and Beckels; and a third that runneth far up into Flegg (a corn country); by reason whereof, I say, this town of Yarmouth is always well served with all kinds of provision at all times, plentifully, at good and cheap rates, whereby they of the town do relieve the strangers, and also do benefit themselves. To this town belong some twenty Iceland-barks, which yearly they do send for cods and lings, and some hundred and fifty sail of North-sea boats; they make a shift to live, but, if that they had the use of "busses," and also barrel-fish, they could excel all England and Holland, for they be the only fishermen for the North-seas, and also the best for the handling of their fish that are in all this land.

The herring buyers of Yarmouth do profit more than do the fishermen of Yarmouth, by reason of the resort of the Hollanders, for that they are suffered to sell all their rope-sick herrings at Yarmouth, to the merchants there; and also the barrel-fish, that the Flemings do bring in winter to London, do also gale them; but because that our fishermen may if they please, make barrel-fish themselves; and therefore will not mone them.

The merchant herring-buyer of Yarmouth, that hath a stock of his own, so long as he can make his gains so certain, with the buying of rope-sick herrings of the Hollanders, will never lay out his money to build or set forth "busses"; and

the fishermen are now so poor, by reason that they only do bear the whole charge of that costly haven, the merchant herring-buyers being not at any charge thereof, but all that great cost cometh out of the fishermen's, for the maintenance of that wooden haven, which amounteth to some five hundred pounds a year, and some years more, so that, though they be willing, yet their ability will not suffer them to do it, neither can they forbear their money for to adventure their herrings into the East-countries, where the best sales always be.

DANIEL DEFOE.

## CITY AND PARLIAMENT

(1659/60)

*Feb. 6th.* To Westminster, where we found the soldiers all set in the Palace Yard, to make way for General Monk to come to the House. I stood upon the steps, and saw Monk go by, he making observance to the judges as he went along.<sup>1</sup>

*7th.* Went to Paul's School, where he that made the speech for the seventh form in praise of the Founder<sup>2</sup> did show a book which Mr. Crumlum had lately got, which he believed to be of the Founder's own writing. My brother John came off as well as any of the rest in the speeches. To the Hall, where in the Palace I saw Monk's soldiers abuse Billing and all the Quakers, that were at a meeting-place there, and indeed the soldiers did use them very roughly, and were to blame. This day, Mr. Crewe told me that my Lord St. John<sup>3</sup> is for a free parliament, and that he is very great with Monk, who hath now the absolute command and power to do anything that he hath a mind to do.

*9th.* Before I was out of my bed, I heard the soldiers very busy in the morning, getting their horses ready when they

<sup>1</sup> "*Feb. 5th.* General Monk being in his lodgings at Whitehall, had notice that the House had a desire to see him. He came into the Court of Wards, and being there, the Sergeant-at-Arms went to meet him with the mace, and his lordship attended the Sergeant, who went before him with the mace on his shoulder, being accompanied with Mr. Scott and Mr. Robinson."—Rugge's *Diurnal*.

<sup>2</sup> John Colet, Dean of St. Paul's.

<sup>3</sup> Oliver St. John, of Lamport, Northamptonshire, Solicitor-General in 1640, and afterwards Lord Chief-Justice of the Upper Bench.

lay at Hilton's, but I knew not then their meaning in so doing. In the Hall I understand how Monk is this morning gone into London with his army; and Mr. Fage told me that he do believe that Monk is gone to secure some of the Common-council of the City, who were very high yesterday there, and did vote that they would not pay any taxes till the House was filled up. I went to my office, where I wrote to my Lord after I had been at the Upper Bench, where Sir Robert Pye this morning came to desire his discharge from the Tower; but it could not be granted.<sup>1</sup> I called at Mr. Harper's, who told me how Monk had this day clapt up many of the Common-council, and that the parliament had voted that he should pull down their gates and portcullisses, their posts and their chains, which he do intend to do, and do lie in the City all night.

To Westminster Hall, where I heard an action very finely pleaded between my Lord Dorset and some other noble persons, his lady and other ladies of quality being there, and it was about £330 per annum that was to be paid to a poor Spittal, which was given by some of his predecessors; and given on his side.<sup>2</sup>

10th. Mr. Fage told me what Monk had done in the City, how he had pulled down the most part of the gates and chains that they could break down, and that he was now gone back to White Hall. The City look mighty blank, and cannot tell what in the world to do; the parliament having this day ordered that the Common-council sit no more, but that new ones be chosen, according to what qualifications they shall give them.

11th. I heard the news of a letter from Monk, who was

<sup>1</sup> Sir Robert Pye, the elder, was auditor of the Exchequer, and a staunch Royalist. He garrisoned his house at Farringdon, which was besieged by his son, of the same names, a decided republican, son-in-law to Hampden, and colonel of Horse under Fairfax. The son, here spoken of, was subsequently committed to the Tower for presenting a petition to the House of Commons from the county of Berks, which he represented in parliament, complaining of the want of a settled form of government. He had, however, the courage to move for an Habeas Corpus, but Judge Newdigate decided that the courts of law had not the power to discharge him. Upon Monk's coming to London, the secluded members passed a vote to liberate Pye, and at the Restoration he was appointed equerry to the King. He died in 1701.

<sup>2</sup> This was the Sackville College for the poor, at East Grinstead, founded by Robert Sackville, second Earl of Dorset, who died in 1608.



now gone into the City again, and did resolve to stand for the sudden filling up of the House, and it was very strange how the countenance of men in the Hall was all changed with joy in half an hour's time. So I went up to the lobby, where I saw the Speaker reading of the letter; and after it was read, Sir A. Haselrigge came out very angry, and Billing, standing at the door, took him by the arm, and cried, "Thou man, will thy beast carry thee no longer? thou must fall!" We took coach for the City to Guildhall, where the Hall was full of people expecting Monk and Lord Mayor to come thither, and all very joyful. Met Monk coming out of the chamber where he had been with the Mayor and Aldermen, but such a shout I never heard in all my life, crying out, "God bless your Excellence!" Here I met with Mr. Lock,<sup>1</sup> and took him to an ale-house: when we were come together, he told us the substance of the letter that went from Monk to the parliament; wherein, after complaints that he and his officers were put upon such offices against the City as they could not do with any content or honour, it states, that there are many members now in the House that were of the late tyrannical Committee of Safety. That Lambert and Vane are now in town, contrary to the vote of parliament. That many in the House do press for new oaths to be put upon men; whereas we have more cause to be sorry for the many oaths that we have already taken and broken. That the late petition of the fanatique people presented by Barebones,<sup>2</sup> for the imposing of an oath upon all sorts of people, was received by the House with thanks. That therefore he<sup>3</sup> did desire that all writs for filling up of the House be issued by Friday next, and that in the mean time he would retire into the City, and only leave them guards for the security of the House and Council. The occasion of this was the order that he had last night, to go into the City and disarm them, and take away their charter; whereby he and his officers said, that the House had a mind to put them upon things that should make them odious; and so it would be in their

<sup>1</sup> Matthew Locke, the celebrated composer.

<sup>2</sup> Praise God Barebones, an active member of the parliament called by his name. About this period, he had appeared at the head of a band of fanatics, and alarmed Monk, who well knew his influence. He was a leather-seller in Fleet Street.

<sup>3</sup> Monk.

power to do what they would with them. We were told that the parliament had sent Scott<sup>1</sup> and Robinson to Monk this afternoon, but he would not hear them; and that the Mayor and Aldermen had offered their own houses for himself and his officers; and that his soldiers would lack for nothing. And indeed I saw many people give the soldiers drink and money, and all along the streets cried, "God bless them!" and extraordinary good words. Hence we went to a merchant's house hard by, where I saw Sir Nich. Crisp,<sup>2</sup> and so we went to the Star Tavern (Monk being then at Benson's). In Cheapside there was a great many bonfires, and Bow bells and all the bells in all the churches as we went home were a-ringing. Hence we went homewards, it being about ten at night. But the common joy that was everywhere to be seen! The number of bonfires, there being fourteen between St. Dunstan's and Temple Bar, and at Strand Bridge<sup>3</sup> I could at one time tell thirty-one fires. In King Street seven or eight; and all along, burning, and roasting, and drinking for rumps. There being rumps tied upon sticks and carried up and down. The butchers at the May Pole in the Strand<sup>4</sup> rang a peal with their knives when they were going to sacrifice their rump. On Ludgate Hill there was one turning of the spit that had a rump tied upon it, and another basting of it. Indeed it was past imagination, both the greatness and the suddenness of it. At one end of the street you would think there was a whole lane of fire, and so hot that we were fain to keep on the further side.

12th. (Lord's day.) In the morning, it being Lord's day,

<sup>1</sup> Thomas Scott, recently made Secretary of State, had signed the King's death-warrant, for which he was executed at Charing Cross, 16th October, 1660. He and Luke Robinson were both members of parliament, and of the Council of State, and selected as firm adherents to the Rump, to watch Monk's proceedings: and never was a mission more signally unsuccessful. Scott, before his execution, desired to have it written, on his tombstone, "Thomas Scott, who adjudged to death the late King."

<sup>2</sup> An eminent merchant, and one of the Farmers of the Customs. He had advanced large sums to assist Charles I., who created him a Baronet. He died February, 1667, aged 67, and was buried in the church of St. Mildred, Bread Street.

<sup>3</sup> Described in Maitland's *History of London* as a handsome bridge crossing the Strand, near the east end of Catherine Street, under which a small stream glided from the fields into the Thames, near Somerset House.

<sup>4</sup> Where stands the church of St. Mary-le-Strand.

to White Hall, where Dr. Holmes<sup>1</sup> preached; but I staid not to hear, but walking in the court, I heard that Sir Arthur Haselrigge was newly gone into the City to Monk, and that Monk's wife<sup>2</sup> removed from White Hall last night. After dinner, I heard that Monk had been at Paul's in the morning, and the people had shouted much at his coming out of the church. In the afternoon he was at a church in Broad Street, whereabout he do lodge. Walking with Mr. Kirton's<sup>3</sup> apprentice during evening church, and looking for a tavern to drink at, but not finding any open, we durst not knock. To my father's, where Charles Glascocke was overjoyed to see how things are now; who told me the boys had last night broke Barebones' windows.

13th. This day Monk was invited to White Hall to dinner by my Lords; not seeming willing, he would not come. I went to Mr. Fage from my father's, who had been this afternoon with Monk, who did promise to live and die with the City, and for the honour of the City; and indeed the City is very open-handed to the soldiers, that they are most of them drunk all day, and had money given them.

14th. My wife, hearing Mr. Moore's voice in my dressing chamber, got herself ready, and came down and challenged him for her Valentine. To Westminster Hall, there being many new remonstrances and declarations from many counties to Monk and the City, and one coming from the North from Sir Thomas Fairfax.<sup>4</sup> I heard that the parliament had now changed the oath so much talked of to a promise; and that, among other qualifications for the members that are to be chosen, one is that no man, nor the son of any man, that hath been in arms during the life of the father, shall be capable of being chosen to sit in

<sup>1</sup> Nathaniel Holmes, D.D., of Exeter College, Oxford. He was the intruding incumbent of St. Mary Stayning, London, and ejected by the Act of Uniformity, and died in 1676.

<sup>2</sup> Anne Clarges, daughter of a blacksmith, and bred a milliner; mistress and afterwards wife of General Monk, over whom she exercised the greatest influence.

<sup>3</sup> Joseph Kirton was a bookseller in St. Paul's Churchyard, at the sign of "The King's Arms."

<sup>4</sup> Thomas Lord Fairfax, mentioned before. He had succeeded to the Scotch Barony of Fairfax, of Cameron, on the death of his father, in 1647; even after his accession to the title, he is frequently styled "Sir Thomas" in the pamphlets and papers of the day.

parliament. This day, by an order of the House, Sir H. Vane was sent out of town to his house in Lincolnshire.

15th. No news to-day, but all quiet to see what the parliament will do about the issuing of the writs to-morrow for the filling up of the House, according to Monk's desire.

17th. To Westminster Hall, where I heard that some of the members of the House were gone to meet some of the secluded members and General Monk in the City. Hence to White Hall, thinking to hear more news, where I met with Mr. Hunt, who told me how Monk had sent for all his goods that he had here, into the City; and yet again he told me, that some of the members of the House had this day laid in firing into their lodgings at Whitehall for a good while, so that we are at a great stand to think what will become of things, whether Monk will stand to the parliament or no. Drank with Mr. Wotton, who told a great many stories of comedies that he had formerly seen acted, and the names of the principal actors, and gave me a very good account of it.

18th. This day two soldiers were hanged in the Strand for their late mutiny at Somerset House.<sup>1</sup>

19th. (Lord's day.) To Mr. Gunning's, and heard an excellent sermon. Here I met with Mr. Moore, and went home with him to dinner, where he told me the discourse that happened between the secluded members and the members of the House, before Monk, last Friday. How the secluded said, that they did not intend by coming in to express revenge upon these men, but only to meet and dissolve themselves, and only to issue writs for a free parliament. He told me how Haselrigge was afraid to have the candle carried before him, for fear that the people, seeing him, would do him hurt; and that he is afraid to appear in the City. That there is great likelihood that the secluded members will come in, and so Mr. Crewe and my Lord are likely to be great men, at which I was very glad. After dinner, there was many secluded members come in to Mr. Crewe, which, it being the Lord's day, did make Mr. Moore

<sup>1</sup> "They were brought to the place of execution, which was at Charing Cross, and over against Somerset House in the Strand, where were two gibbets erected. These men were the grand actors in the mutinies at Gravesend, at Somerset House, and in St. James's Fields."  
—Rugge's *Diurnal*.

believe that there was something extraordinary in the business. Mr. Mossum<sup>1</sup> made a very good sermon, but only too eloquent for a pulpit.

20th. I went forth to Westminster Hall, where I met with Chetwind, Simons, and Gregory. They told me how the Speaker Lenthall do refuse to sign the writs for choice of new members in the place of the excluded; and by that means the writs could not go out to-day. In the evening, Simons and I to the Coffee Club [Miles's], where I heard Mr. Harrington, and my Lord of Dorset and another Lord, talking of getting another place at the Cockpit, and they did believe it would come to something. The Club broke up very poorly, and I do not think they will meet any more.

21st. In the morning I saw many soldiers going towards Westminster Hall, to admit the secluded members again. So I to Westminster Hall, and in Chancery I saw about twenty of them who had been at White Hall with General Monk, who came thither this morning, and made a speech to them, and recommended to them a Commonwealth, and against Charles Stuart. They came to the House, and went in one after another, and at last the Speaker came. But it is very strange that this could be carried so private, that the other members of the House heard nothing of all this, till they found them in the House, insomuch that the soldiers that stood there to let in the secluded members, they took for such as they had ordered to stand there to hinder their coming in. Mr. Prin<sup>2</sup> came with an old basket-hilt sword on, and had a great many shouts upon his going into the Hall. They sat till noon, and at their coming out Mr. Crewe saw me, and bid me come to his house and dine with him, which I did; and he very joyful told me that the House had made General Monk General of all the Forces in England, Scotland, and Ireland; and that upon Monk's desire, for the service that Lawson had lately done in pulling down the

<sup>1</sup>This was in all probability Robert *Mossum*, author of several sermons preached at London, and printed about the time of the Restoration, who was in 1666 made Bishop of Derry. In the title page of his *Apology in behalf of the Sequestered Clergy*, printed in 1660, he calls himself "Preacher of God's word at St. Peter's, Paul's Wharf, London."

<sup>2</sup>William Prynne, the lawyer, well known by his voluminous publications, and the persecution which he endured. He was M.P. for Bath, 1660, and died 1669.

Committee of Safety, he had the command of the Sea for the time being. He advised me to send for my Lord forthwith, and told me that there is no question that, if he will, he may now be employed again; and that the House do intend to do nothing more than to issue writs, and to settle a foundation for a free parliament. After dinner, I back to Westminster Hall with him in his coach. Here I met with Mr. Lock and Pursell,<sup>1</sup> Master of Musique, and went with them to the Coffee House, into a room next the water, by ourselves, where we spent an hour or two till Captain Taylor come and told us, that the House had voted the gates of the City to be made up again, and the members of the City that are in prison to be set at liberty; and that Sir G. Booth's<sup>2</sup> case be brought into the House to-morrow. Here we had variety of brave Italian and Spanish songs, and a canon for eight voices, which Mr. Lock had lately made on these words: "Domine salvum fac Regem." Here out of the windows it was a most pleasant sight to see the City from one end to the other with a glory about it, so high was the light of the bonfires, and so thick round the City, and the bells rang every where. Mr. Fuller, of Christ's, told me very freely the temper of Mr. Widdrington,<sup>3</sup> how he did oppose all the fellows in the College, and feared it would be little to my brother's advantage to be his pupil.

22<sup>nd</sup>. Walking in the Hall, I saw Major-General Brown,<sup>4</sup> who had a long time been banished by the Rump, but now with his beard overgrown, he comes abroad and sat in the House. To White Hall, where I met with Will. Simons and Mr. Mabbot at Marsh's, who told me how the House had this day voted that the gates of the City should be set up at the cost of the state; and that Major-General Brown's being

<sup>1</sup> Henry Purcell, father of the celebrated composer of the same name, who was born in 1658.

<sup>2</sup> Sir George Booth, Bart., of Dunham Massey, then a prisoner in the Tower, from which he was released the next day. In 1661 he was created Baron Delamer for his services to the king.

<sup>3</sup> Dr. Ralph Widdrington having been ejected from his Fellowship by the Master and Fellows of Christ's College, Cambridge, October 28, 1661, sued out a mandamus to be restored to it; and the matter being referred to commissioners—"The Bishop of London, the Lord Chancellor, and some of the Judges"—he obtained restitution.

<sup>4</sup> Richard Brown, a Major-General of the parliament forces, Governor of Abingdon, and Member for London in the Long Parliament, who had been imprisoned by the Rump faction.

proclaimed a traitor be made void, and several other things of that nature. I observed this day how abominably Barebones' windows are broke again last night.

SAMUEL PEPYS.

### THE GREAT FIRE OF LONDON, 1666

*2nd Sept.* This fatal night, about ten, began that deplorable fire near Fish Street in London.

*3rd.* I had public prayers at home. The fire continuing, after dinner I took coach with my wife and son and went to the Bank side in Southwark, where we beheld the dismal spectacle, the whole city in dreadful flames near the water side; all the houses from the bridge, all Thames Street, and upwards towards Cheapside, down to the Three Cranes, were now consumed: and so returned exceedingly astonished what would become of the rest.

The fire having continued all this night (if I may call that night which was light as day for ten miles round about, after a dreadful manner) when conspiring with a fierce eastern wind in a very dry season; I went on foot to the same place, and saw the whole south part of the City burning from Cheapside to the Thames, and all along Cornhill (for it likewise kindled back against the wind as well as forward), Tower Street, Fenchurch Street, Gracious Street, and so along to Baynard's Castle, and was now taking hold of St. Paul's Church, to which the scaffolds contributed exceedingly. The conflagration was so universal and the people so astonished, that from the beginning, I know not by what despondency or fate, they hardly stirred to quench it, so that there was nothing heard or seen but crying out and lamentation, running about like distracted creatures, without at all attempting to save even their goods; such a strange consternation there was upon them; so as it burned both in breadth and length, the churches, public-halls, Exchange, hospitals, monuments, and ornaments, leaping after a prodigious manner from house to house and street to street, at great distances one from the other; for the heat with a long set of fair and warm weather

had even ignited the air and prepared the materials to conceive the fire, which devoured after an incredible manner houses, furniture, and every thing. Here we saw the Thames covered with goods floating, all the barges and boats laden with what some had time and courage to save, as, on the other, the carts, etc., carrying out to the fields, which for many miles were strewn with moveables of all sorts, and tents erecting to shelter both people and what goods they could get away. Oh the miserable and calamitous spectacle! such as happily the world had not seen the like since the foundation of it, nor be outdone till the universal conflagration of it. All the sky was of a fiery aspect, like the top of a burning oven, and the light seen for above forty miles round about for many nights. God grant mine eyes may never behold the like, who now saw above 10,000 houses all in one flame; the noise and cracking and thunder of the impetuous flames, the shrieking of women and children, the hurry of people, the fall of towers, houses, and churches, was like an hideous storm, and the air all about so hot and inflamed that at the last one was not able to approach it, so that they were forced to stand still and let the flames burn on, which they did for near two miles in length and one in breadth. The clouds also of smoke were dismal and reached upon computation near 56 miles in length. Thus I left it this afternoon burning, a resemblance of Sodom, or the last day. It forcibly called to my mind that passage—*non enim hic habemus stabilem civitatem*: the ruins resembling the picture of Troy. London was, but is no more! Thus I returned home.

4th. The burning still rages, and it was now gotten as far as the Inner Temple; all Fleet Street, the Old Bailey, Ludgate Hill, Warwick Lane, Newgate, Paul's Chain, Watling Street, now flaming, and most of it reduced to ashes; the stones of Paul's flew like granados, the melting lead running down the streets in a stream, and the very pavements glowing with fiery redness, so as no horse nor man was able to tread on them, and the demolition had stopped all the passages, so that no help could be applied. The eastern wind still more impetuously driving the flames forward. Nothing but the almighty power of God was able to stop them, for vain was the help of man.

5th. It crossed towards Whitehall; but oh, the confusion



there was then at that Court! It pleased his Majesty to command me among the rest to look after the quenching of Fetter Lane end, to preserve if possible that part of Holborn whilst the rest of the gentlemen took their several posts, some at one part, some at another (for now they began to bestir themselves, and not till now, who hitherto had stood as men intoxicated, with their hands across) and began to consider that nothing was likely to put a stop but the blowing up of so many houses as would make a wider gap than any had yet been made by the ordinary method of pulling them down with engines; this some stout seamen proposed early enough to have saved nearly the whole City, but this some tenacious and avaricious men, aldermen, etc., would not permit, because their houses must have been of the first. It was therefore now commanded to be practised, and my concern being particularly for the hospital of St. Bartholomew near Smithfield, where I had my wounded and sick men, made me the more diligent to promote it; nor was my care for the Savoy less. It now pleased God by abating the wind, and by the industry of the people, when almost all was lost, infusing a new spirit into them, that the fury of it began sensibly to abate about noon, so as it came no farther than the Temple westward, nor than the entrance of Smithfield north: but continued all this day and night so impetuous towards Cripplegate and the Tower as made us all despair; it also brake out again in the Temple, but the courage of the multitude persisting, and many houses being blown up, such gaps and desolations were soon made, as with the former three days' consumption, the back fire did not so vehemently urge upon the rest as formerly. There was yet no standing near the burning and glowing ruins by near a furlong's space.

JOHN EVELYN.

## THE POST OFFICE: END OF 17TH CENTURY

## I.—OF THE GENERAL OFFICE IN LONDON

HIS Majesty keepeth one Grand, or General Office in the City of London, from whence letters and pacquets are dispatched. Every Monday to France, Italy, Spain, Flanders, Germany, Sweden, Denmark, etc., and to Kent. Every Tuesday to the United Netherlands, Germany, etc., and to all parts of England, Scotland and Ireland. Every Wednesday to Kent only, and the Downs. Every Thursday to France, Spain, Italy and all parts of England and Scotland. Every Friday to the Spanish and United Netherlands, Germany, Sweden, Denmark, and to Kent. Every Saturday to all parts of England, Scotland and Ireland. And the answers of the said letters and pacquets are received in the said office in due course; and from thence dispersed and delivered according to their respective directions, with all expedition.

The said office is managed by a deputy, and other officers, to the number of seventy-seven persons, who give their actual attendance respectively in the dispatch of the business.

Upon this grand office depends one hundred and eighty-two deputy-postmasters in England and Scotland; most of which keep regular offices in their stages, and sub-postmasters in their branches; and also in Ireland, another general office for that kingdom, which is kept in Dublin, consisting of eighteen like officers and forty-five deputy-postmasters. His majesty keeps constantly for the transport of the said letters and pacquets—between England and France two packet-boats, Flanders two packet-boats, Holland three packet-boats, Ireland three packet-boats; and at Deal, two packet-boats for the Downs. All which officers, postmasters, and packet-boats, are maintained at his majesties own charge.

And as the master-piece of all those good regulations, established by the postmaster-general, for the better government of the said office, he hath annexed and appropriated the market-towns of England, so well to the

respective postages, that there is no considerable market-town, but hath an easie and certain conveyance for the letters thereof to and from the said grand office, in the due course of the males every post. Though the number of letters missive in England, were not at all considerable in our ancestors days, yet it is now so prodigiously great, (since the meanest people have generally learnt to write) that this office was farmed at forty or fifty thousand pounds a year. Note also, that letters are conveyed with more expedition, and less charges, than in any foreign countrey. A letter containing a whole sheet of paper, is conveyed eighty miles for 2d. and two sheets 4d. and an ounce of letters but 8d. and that in so short a time, by night as well as by day, that every twenty-four hours the post goes 120 miles; and five days an answer of a letter may be had from a place 300 miles distant from the writers. Moreover, if any gentleman desire to ride post to any principal town in England, post-horses are always in readiness (taking no horse without the consent of his owner) which in other kings reigns was not duly observed; and only 3d. is demanded for every English mile, and for every stage to the post-boy 4d. for conducting. Besides this excellent convenience of conveying letters, and men on horseback, there is of late such an admirable commodiousness, both for men and women of better rank, to travel from London to almost any great town of England, and to almost all the villages near this great city, that the like hath not been known in the world, and that is by stage-coaches, wherein one may be transported to any place, sheltered from foul weather, and foul ways, free from endamaging ones health or body by hard jogging, or over-violent motion; and this not only at a low price, as about a shilling for every five miles, but with such velocity and speed, as that the posts in some foreign countries make not more miles in a day; for the stage-coaches, called flying-coaches, make forty or fifty miles in a day; as from London to Oxford or Cambridge, and that in the space of twelve hours, not counting the time for dining, setting forth not too early, nor coming in too late. The post office is now kept in Lombard Street, and is managed there by the aforesaid Philip Frowd, Esq.

## II.—OF THE PENNY-POST

Moreover, to the great benefit of this nation, but especially of this city, and places adjacent, there is established another post, call'd the penny-post, whereby for one penny any letter or parcel, not exceeding one pound weight, or ten pounds value, is most speedily and safely conveyed to, and from all parts within the Bills of Mortality, and to most towns within ten miles round London, not conveniently served by the general post.

The profits of this, as well as of all other lawful carriage of letters, belongs to his majesty, being settled on him by Act of Parliament: And it is managed for him by a comptroller. And for the better carrying on this useful design, there are six general offices, kept at a convenient distance from one another, at all which, officers do constantly attend from morning until night, every day, Sundays only excepted; and a very great number of messengers are employed, who have all given security for the collecting and delivering of letters, etc. Also five or six hundred receiving houses in London, and the other towns; a list of which towns will be delivered to any person gratis at the general offices which are kept as followeth, viz.—the grand office in Crosby House in Bishopsgate Street; the office for St. Paul's Precinct, in Cannon Alley in St. Paul's Churchyard; that for the Temple, in Chichester's Rents in Chancery Lane; for Westminster in St. Martin's Lane, the end next Charing Cross; for Southwark, in Green Dragon Court near St. Saviour's Church; for Ratcliff and the Hermitage, upon Little Tower Hill.

A further convenience of this office is, that whatsoever letters that come from all parts of the world by the general post, directed to persons in any of those countrey towns to which the penny-post does go, are delivered by the messengers thereof, the same day they come to London: and the answers being left at their receiving-houses, are by them safely carryed every night to the office in Lombard Street. The comptroller of this very commodious penny-post office, is Nathaniel Castleton, Esq. He resides at the General Penny-Post Office in Bishopsgate Street.

The conveniences of this useful undertaking of the penny-

post, are as follow. All gentlemen, country-chapmen, and others, may hereby speedily and cheaply give notice of their arrival at London; shopkeepers and tradesmen may send to their workmen for what they want; bills may be dispersed for publication of any concern; summons or tickets conveyed to all parts; brewers entries safely sent to the excise-office; appointments of meetings among men of business; much time saved in solicitation for money; lawyers and clients mutually correspond; patients may send to doctors, apothecaries, and chirurgeons, for what they shall want; besides many other advantages.

EDWARD CHAMBERLAYNE.

### THE DEMAND FOR REFORM, 1780

THE cry for economical reform, which had taken its rise in the distresses of the country, drifted more and more, as impelled by party spirit towards distrust of the crown. See, it was exclaimed, both in and out of parliament, how vast the influence, how irresponsible the power, which that army of inferior placemen can command! Mr. John Crewe, member for Cheshire, brought in a Bill which had once been Mr. Dowdeswell's, to disable revenue-officers from voting at elections; he was supported both by Fox and Conway; but on the motion that "the Bill be now committed," he found himself in a minority. Sir Philip Jennings Clerke renewed his motion of a former year, to exclude contractors from the House of Commons, unless their contracts were obtained by a public bidding. His Bill passed the Commons almost unanimously; but in the Upper House, the active exertions and the able speeches of Lord Chief Justice Mansfield and Lord Chancellor Thurlow procured its rejection. Activity likewise, though not ability, might on that occasion be justly ascribed to Lord Hillsborough. Certain it is that, at no other period of our annals, did the abuses of the contract system flourish in such rank luxuriance. At no other period were they so highly detrimental to the public service. Thus, to give only one slight instance,

Colonel Simcoe, a most active officer in our later American campaigns, speaking of this very year, 1780, complains of the "miserable contract hats which had been sent from England." Even now, after so much has been achieved by way both of safeguard and reform, we may sometimes still feel the truth of that caustic remark made by Pepys two centuries ago:—"I see it is impossible for the king to have things done as cheap as other men!"

It was on the 6th of April that the rising jealousy of the executive power was, both in and out of parliament, most conspicuously shown. There was held that afternoon a meeting of the people of Westminster, where Fox appeared and delivered an harangue, supported by his two friends, the Dukes of Portland and of Devonshire. At the request of the Middlesex magistrates, and from the apprehensions of some popular disturbance, a body of troops had been drawn out and kept ready in the neighbourhood of Westminster Hall. How far from ill-founded were those apprehensions was abundantly proved by the events in London, only a few weeks afterwards. But meanwhile the timidity, as it was termed, of the Middlesex magistrates exposed them to most vehement invectives from the Opposition chiefs. Burke, in the House of Commons, called them "reptiles,"—the mere "scum of the earth." "If," cried Fox, "a set of men are to be let loose on the constitutional meetings of the people, then all who go to such meetings must go armed!"

Within the House the business of the day was begun by the presentations of further petitions in favour of economical reform—petitions so many and so large, that, according to the strong expression of a contemporary writer, they seemed, not so much to cover, as to bury the table. Then, with the House in Committee, Dunning rose. Clearly, boldly, and with the utmost bitterness of language, he reviewed the conduct of the Ministers with regard to Burke's great measure of reform: at first, he said, that they had received it with a show of candour, and a kind of mock approbation, but had afterwards declared themselves fundamentally opposed to every one of its leading objects. Other measures of that Session, tending to the same end, had been in like manner either defeated or eluded. What, then, remains,

said Dunning, but for the House to bind itself, and to satisfy the public by putting forth a clear simple proposition, and voting the words which he concluded with moving:—"That it is the opinion of this Committee, that the influence of the crown has increased, is increasing, and ought to be diminished."

Sir Fletcher Norton, full of spleen against Lord North, eagerly availed himself of the Speaker's privilege of speaking in Committee, and strongly supported Mr. Dunning's resolution. So far did his rancour overpower his judgment, that we find him insist on a point most unseemly for a Speaker to urge—that if Honourable Members should now vote the petitions of the people unfounded, he wished them much joy of going down to their constituents with that opinion. Lord North, in reply, spoke with his usual talent, though scarcely with his usual temper. He reminded the House, as he might with perfect truth, that he had never insinuated that his abilities were equal to his post, and had constantly declared himself ready to resign it; but still, he said, he had maintained himself, in spite of the exertions of those who had formerly contended against the rights of the people, and who were now pursuing measures likely to overturn the constitution.

In the course of this arduous debate, a diversion in favour of the Government was attempted by one of its ablest members—the Lord Advocate. First, he moved that the chairman should leave the chair. But that motion, being understood as stifling the inquiry, was ill-received, and, by permission of the House, withdrawn. Next, he proposed to add, as an amendment to the original motion, the opening words, "it is now necessary to declare." Fox, as the Opposition leader, declared his acquiescence in the suggestion, and the motion of Dunning was put to the House in that amended form. Still, however, the Lord Advocate retained the liberty of voting, and he did vote, against the whole motion; while he had succeeded in his object, namely, to convert, as far as possible, a general averment into a temporary declaration which might, at some future period, be retracted or disowned.

Mr. Dunning and his friends had certainly some considerable instances to allege in support of their position. But

they wholly overlooked the fact that if, on the one side, the influence of the crown had been augmenting, there was, on the other, at least an equal relaxation of its prerogative. It is laid down as beyond all dispute, by a most judicious and impartial historian of our own time, that ever since the Revolution, there has been a systematic diminution of the reigning prince's control. In all probability, however, such considerations decided but few votes. Many more were swayed by the argument at which the Speaker had so unscrupulously glanced, that the parliament was now near closing the sixth year of its existence, and must, at no distant period, be dissolved. Under these impressions, the resolution of Dunning was carried against the Government by a majority of eighteen, the numbers being 233 and 215. It is worthy of note, that, of all the English county members, no more than nine appear in the lists of the minority.

His first resolution being thus carried, Dunning forthwith proceeded to move a second, purporting that the House had the full right to correct any abuses in the Civil List revenue. A third resolution was added by Thomas Pitt, to the effect that it was their duty to redress, without delay, the grievances complained of in the petitions of the people. These latter declarations being likewise affirmed in spite of the efforts of Lord North, Fox, at past one o'clock in the morning, moved that all three should be immediately reported to the House. With good reason might Lord North protest against that course, as "violent, arbitrary, and unusual"; but Fox persisting as though desirous to leave the House no leisure for reflection, and the Government not venturing to try a second division, the report was brought up and the House adjourned.

Exulting in his victory, Dunning was eager to pursue it. When next the Committee met, he brought forward other motions more in detail, respecting the Civil List and the right of certain members of the Household to sit in parliament. On the division, however, he saw his numbers decrease; and they were still further lessened after an adjournment of ten days, which the Speaker's illness rendered necessary. The old supporters of Lord North, who had voted against him on the 6th of April, began to think that they



had done enough for their own popularity at the General Election. They now paid less regard to their constituents and more to their convictions; and thus the current of their votes returned to its accustomed channel. When Dunning moved an address, requesting the king not to dissolve the parliament, nor prorogue the Session until proper measures had been taken to diminish the influence of the crown, he found himself defeated in a full House by a majority of fifty-one; another motion by Serjeant Adair, for withholding the Supplies until after the redress of grievances, was negatived without debate; and finally, on the 26th of May, when the House was again in Committee on Petitions, a technical motion that the chairman should leave the chair was carried against Dunning by a majority of forty-three. Thus, the important resolutions of the 6th of April remained, as it were, alone upon the Journals; all their expected consequences, all the steps requisite to give them force and validity, having been rejected by the House. Deep was the disappointment and loud the clamours of the Opposition chiefs. Even their vocabulary of invective, though most ample and well tried, scarcely sufficed to their zeal. "It is shameful, it is base, it is unmanly, it is treacherous," cried Fox. On the other hand, Lord North who had never lost his good humour since his defeat, showed himself no less composed and equable at his return of fortune.

But within a few days of the close of these transactions, they were quite forgotten in a train—new and wholly unlooked for—of affairs. Then of a sudden, like a meteor rising from the foulest marshes, appeared those fearful riots, to which the most rank intolerance gave origin, and Lord George Gordon a name. Then the midnight sky of London was reddened with incendiary fires, and her streets resounded to the cry of an infuriated mob; then our best and wisest statesmen had to tremble, not only for their lives, but for their hearths and homes; then for once in our annals, the powers of Government and order seemed to quail and succumb before the populace of the capital in arms.

LORD MAHON (5TH EARL STANHOPE).

## CONCILIATION WITH AMERICA

FIRST, Sir, permit me to observe that the use of force alone is but *temporary*. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains, but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness, but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover, but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole America*. I do not choose to consume its strength along with our own, because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape, but I can make no assurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it, and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought

to be pursued in the management of America, even more than its population and its commerce—I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole; and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable whenever they see the least attempt to wrest from them by force or shuffle from them by chicane what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes, which, to understand the true temper of their minds and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen.<sup>1</sup> England, Sir, is a nation which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant, and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates, or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England

<sup>1</sup> The colonies, of course, were the direct outcome of political and religious struggles in the seventeenth century. Massachusetts was founded by refugee Puritans, 1629. A body of Independents had already landed at New Plymouth from the *Mayflower* in 1620. Rhode Island was founded in 1630 by Roger Williams on the principle of complete religious liberty, and the same idea underlay the foundation of Pennsylvania in 1681. Virginia, however, the earliest of the colonies (1586-1610), was always episcopalian and royalist, and furnished asylum for many cavaliers after the fall of Charles I.

it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called a House of Commons. They went much further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse, and as they found that beat they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree, some are merely popular, in all the popular representative is the most weighty, and this share of the people in their ordinary government never fails to inspire them with lofty sentiments and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired, and their mode of professing it is also one main cause of this free spirit. The people are Protestants, and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be sought in their religious tenets as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails, that it has generally gone hand in hand with them, and received great favour and every kind of support from authority. The Church of England, too, was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent and the Protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces, where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner that some gentlemen

object to the latitude of this description; because in the southern colonies the Church of England forms a large body and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks amongst them like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths, such were our Gothic ancestors, such in our days were the Poles, and such will be all masters of slaves who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's

*Commentaries* in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people in his government are lawyers, or smatterers in law, and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the right of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and learned friend<sup>1</sup> on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.*<sup>2</sup> This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution, and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage and bite the chains of nature? Nothing

<sup>1</sup> The Attorney-General.

<sup>2</sup> Ovid, *Heroid.* Ep. xv. 83. "Pursuits influence character."

worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein that he may govern at all; and the whole of the force and vigour of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too, she submits, she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources: of descent, of form of government, of religion in the northern provinces of manners in the southern, of education, of the remoteness of situation from the first mover of government—from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit that unhappily meeting with an exercise of power in England which, however, lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but—what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the



disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct which may give a little stability to our politics and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours.<sup>1</sup> Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do was to disturb authority; we never dreamt they could of themselves supply it, knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved that none but an obedient assembly should sit, the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours—and theirs has succeeded. They have formed a government, sufficient for its purposes, without the bustle of a revolution or the troublesome formality of an election. Evident necessity and tacit consent have done the business in an instant. So well they have done it, that Lord Dunmore (the account

<sup>1</sup> As we have seen, the chief difficulty of England was the impossibility of getting the colonists to act together. See the conduct of Massachusetts in the Indian War of 1763. During the same war a scheme of Franklin's for union fell through, because the colonists thought it endangered their independence. The contest with England did what the contest with France had failed to do. In 1767 Massachusetts issued a circular to all the colonial assemblies urging them to combine in resisting the measures of Lord Townshend. During 1772 and 1773 committees of correspondence were appointed in most of the assemblies and actively engaged in preparing for common action. The result of their labours was the first continental congress which met at Philadelphia in 1774, all the colonies being represented except Georgia.

is among the fragments on your table) tells you that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government and not the names by which it is called; not the name of a governor, as formerly, or committee, as at present. This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists, having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we

are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are: to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population in the colonies is evidently one cause of their resistance, it was last session mentioned in both houses, by men of weight, and received not without applause, that in order to check this evil it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If

this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian<sup>1</sup> mountains. From thence they behold before them an immense plain, one vast, rich, level meadow—a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life, would soon forget a government by which they were disowned, would become hordes of English Tartars, and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and in no long time must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavour to keep as a lair of wild beasts that earth which God, by an express charter, has given to the children of men. Far different and surely much wiser has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could, and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the

<sup>1</sup> Alleghany.

reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind—a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient. It is, in truth, nothing more than the old and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition—your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

EDMUND BURKE.

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## THE LIBERTY OF THE PRESS

(*"The North Briton,"* No. XLV., Saturday, April 23, 1763)

*Genus orationis atrox, et vehemens, cui opponitur lenitatis et mansuetudinis.*

CICERO.

THE *King's Speech* has always been considered by the legislature, and by the public at large, as the *Speech of the Minister*. It has regularly, at the beginning of every session of parliament, been referred by both Houses to the consideration of a committee, and has been generally canvassed with the utmost freedom, when the minister of the crown has been obnoxious to the nation. The ministers of this free country, conscious of the undoubted privileges of so spirited a people, and with the terrors of parliament before their eyes, have ever been cautious, no less with regard to the matter, than to the expressions, of *speeches*, which they have advised the sovereign to make from the throne, at the *opening* of every session. They well knew that an honest house of parliament, true to their trust, could not fail to detect the fallacious arts, or to remonstrate against the daring acts of violence, committed by any minister. The speech at the *close* of the session has ever been considered as the most *secure* method of promulgating the favourite court creed among the vulgar; because the parliament, which is the constitutional guardian of the liberties of the people, has in this case no opportunity of remonstrating, or of impeaching any wicked servant of the crown.

This week has given the public the most abandoned instance of ministerial effrontery ever attempted to be imposed on mankind. The *minister's speech* of last Tuesday, is not to be paralleled in the annals of this country. I am in doubt, whether the imposition is greater on the sovereign, or on the nation. Every friend of his country must lament that a prince of so many great and amiable qualities, whom England truly reveres, can be brought to give the sanction of his sacred name to the most odious measures, and to the

most unjustifiable, public declarations, from a throne ever renowned for truth, honour, and unsullied virtue. I am sure, all foreigners, especially the King of Prussia, will hold the minister in contempt and abhorrence. He has made our sovereign declare: *My expectations have been fully answered by the happy effects which the several allies of my crown have derived from this salutary measure of the Definitive Treaty. The powers at war with my good brother, the King of Prussia, have been induced to agree to such terms of accommodation, as that great prince has approved; and the success which has attended my negotiation, has necessarily and immediately diffused the blessings of peace through every part of Europe.* The infamous fallacy of this whole sentence is apparent to all mankind: for it is known, that the King of Prussia did not barely *approve*, but absolutely *dictated*, as conqueror, every article to the terms of peace. No advantage of any kind has accrued to that magnanimous prince from *our negotiations*, but he was basely deserted by the *Scottish* prime-minister of *England*. He was known by every court in Europe to be scarcely on better terms of friendship *here*, than at *Vienna*; and he was betrayed by us in the *treaty of peace*. What a strain of insolence, therefore, is it in a minister to lay claim to what he is conscious all his efforts tended to prevent, and meanly to arrogate to himself a share in the fame and glory of one of the greatest princes the world has ever seen? The King of Prussia, however, has gloriously kept *all* his former *conquests*, and stipulated security for all his allies, even for the *Elector of Hanover*. I know in what light this great prince is considered in Europe, and in what manner he has been treated here; among other reasons, perhaps, from some contemptuous expressions he may have used of the *Scot*: expressions which are every day echoed by the whole body of *Englishmen* through the southern part of this island.

The *Preliminary Articles of Peace* were such as have drawn the contempt of mankind on our wretched negotiators. All our most valuable conquests were agreed to be restored, and the *East India Company* would have been infallibly ruined by a single article of this fallacious and baneful negotiation. No hireling of the minister has been hardy enough to dispute this; yet the minister himself has made our sovereign declare,

*the satisfaction which he felt at the approaching re-establishment of peace upon conditions so honourable to his crown, and so beneficial to his people.* As to the *entire approbation* of parliament, which is so vainly boasted of, the world knows how that was obtained. The large debt on the *Civil List*, already above half a year in arrear, shows pretty clearly the transactions of the winter. It is, however, remarkable, that the minister's speech dwells on the *entire approbation* given by parliament to the *Preliminary Articles*, which I will venture to say, he must by this time be ashamed of; for he has been brought to confess the total want of that knowledge, accuracy and precision, by which such immense advantages both of trade and territory, were sacrificed to our inveterate enemies. These gross blunders are, indeed, in some measure set right by the *Definitive Treaty*; yet, the most important articles, relative to *cessions, commerce, and the FISHERY*, remain as they were, with respect to the French. The proud and feeble Spaniard, too, does not *RENOUNCE*, but only *DESISTS from all pretensions, which he may have formed, to the right of fishing*—where? only about the island of *NEWFOUNDLAND*—till a favourable opportunity arises of *insisting on it, there, as well as elsewhere.*

The minister cannot forbear, even in the *King's Speech*, insulting us with a dull repetition of the word *economy*. I did not expect so soon to have seen that word again, after it had been so lately exploded, and more than once, by a most numerous audience, *hissed* off the stage of our English theatres. It is held in derision by the *voice of the people*, and every tongue loudly proclaims the universal contempt, in which these empty professions are held by *this nation*. Let the public be informed of a single instance of *economy*, except indeed in the household. Is a regiment, which was completed as to its complement of officers on the *Tuesday*, and broke on the *Thursday*, a proof of *economy*? Is the pay of the *Scottish Master Elliot* to be voted by an *English* parliament, under the head of *economy*? Is this, among a thousand others, one of the convincing proofs of a *firm resolution to form government on a plan of strict economy*? Is it not notorious, that in the reduction of the army, not the least attention has been paid to it? Many unnecessary expenses have been incurred, only to increase the power of



the crown, that is, to create more lucrative jobs for the creatures of the minister. The *staff* indeed is broke, but the discerning part of mankind immediately comprehended the mean subterfuge, and resented the indignity put upon so brave an officer, as Marshal Ligonier. That step was taken to give the whole power of the army to the crown, that is, to the minister. Lord Ligonier is now no longer at the head of the army; but Lord Bute in effect is: I mean that every preferment given by the crown will be found still to be obtained by *his* enormous influence, and to be bestowed only on the creatures of the Scottish faction. The nation is still in the same deplorable state, while *he* governs, and can make the tools of *his* power pursue the same odious measure. Such a retreat, as he intends, can only mean that personal indemnity, which, I hope, guilt will never find from an injured nation. The negotiations of the late inglorious *peace*, and the *excise*, will haunt him, wherever he goes, and the terrors of the just resentment, which he must be prepared to meet from a brave and insulted people, and which must finally crush him, will be for ever before his eyes.

In vain will such a minister, or the foul dregs of his power, the tools of corruption and despotism, preach up in *the speech* that *spirit of concord, and that obedience to the laws, which is essential to good order*. They have sent the *spirit of discord* through the land, and I will prophesy, that it will never be extinguished, but by the extinction of their power. Is the *spirit of concord* to go hand in hand with the *peace* and *excise* thro' this nation? Is it to be expected between an insolent *exciseman*, and a *peer, gentleman, freeholder, or farmer*, whose private houses are now made liable to be entered and searched at pleasure? Gloucestershire, Herefordshire, and in general all the *Cyder* countries, are not surely the *several counties* which are alluded to in the *speech*. The *spirit of concord* hath not gone forth among them; but the *spirit of liberty* has, and a noble opposition has been given to the wicked instruments of oppression. A nation as sensible as the English, will see that a *spirit of concord*, when they are oppressed, means a tame submission to injury, and that a *spirit of liberty* ought then to arise, and I am sure ever will, in proportion to the weight of the grievance they feel. *Every legal attempt of a contrary tendency to the spirit*

*of concord* will be deemed a justifiable resistance, warranted by the *spirit of the English constitution*.

A despotic minister will always endeavour to dazzle his prince with high-flown ideas of the *prerogative* and *honour* of the *crown*, which the minister will make a parade of *firmly maintaining*. I wish as much as any man in the kingdom to see *the honour of the crown* maintained in a manner truly becoming to *royalty*. I lament to see it sunk even to prostitution. What a shame was it to see the security of this country, in point of military force complimented away, contrary to the opinion of royalty itself, and sacrificed to the prejudices and to the ignorance of a set of people, the most unfit from every consideration to be consulted on a matter relative to the security of the *House of Hanover*? I wish to see *the honour of the crown* religiously asserted with regard to our allies, and the dignity of it scrupulously maintained with regard to foreign princes. Is it possible such an indignity can have happened, such a sacrifice of *the honour of the crown of England*, as that a minister should already have kissed his majesty's hand on being appointed to the most insolent and ungrateful court in the world, without a previous assurance of that reciprocal nomination which the meanest court in Europe would insist upon, before she proceeded to an act otherwise so derogatory to her honour? But *electoral policy* has ever been obsequious to the court of Vienna, and forgets the insolence with which Count Colloredo left England. Upon a principle of *dignity* and *economy*, Lord Stormont, a Scottish peer of the loyal house of Murray, kissed his majesty's hand I think on Wednesday in the Easter week; but this ignominious act has not yet disgraced the nation in the *London Gazette*. The ministry are not ashamed of doing the thing in private; they are only afraid of the publication. Was it a tender regard for the *honour* of the late king, or of his present majesty, that invited to court Lord George Sackville, *in these first days of peace*, to share in the general satisfaction, which all good courtiers received in the indignity offered to Lord Ligonier, and on the advancement of —? Was this to show *princely* gratitude to the eminent services of the accomplished general of the House of Brunswick, who has had so great a share in rescuing Europe from the yoke of France; and whose nephew we hope soon

to see made happy in the possession of the most amiable princess in the world? Or, is it meant to assert *the honour of the crown* only against the united wishes of a loyal and affectionate people, founded in a happy experience of the talents, integrity, and virtue of those, who have had the glory of redeeming their country from bondage and ruin, in order to support, by every art of corruption and intimidation, a weak disjointed, incapable set of—I will call them anything but ministers—by whom the *favourite* still meditates to rule this kingdom with a rod of iron.

The Stuart line has ever been intoxicated with the slavish doctrines of the *absolute, independent, unlimited* power of the crown. Some of that line were so weakly advised, as to endeavour to reduce them into practice; but the English nation was too spirited to suffer the least encroachment on the ancient liberties of this kingdom. The King of England is only the first magistrate of this country; but is invested by law with the whole executive power. He is, however, responsible to his people for the due execution of the royal functions, in the choice of ministers, etc., equally with the meanest of his subjects in his particular duty. The personal character of our present amiable sovereign makes us easy and happy that so great a power is lodged in such hands; but the *favourite* has given too just cause for him to escape the general odium. The *prerogative* of the crown is to exert the constitutional powers entrusted to it in a way, not of blind favour and partiality, but of wisdom and judgment. This is the spirit of our constitution. The people too have their *prerogative*, and I hope, the fine words of Dryden will be engraven on our hearts:

Freedom is the English subject's Prerogative.

JOHN WILKES.

## THE LIBERTY OF THE PRESS

THESE events<sup>1</sup> were regarded with a deep interest throughout Great Britain. The friends of order and real liberty, of religion and property, in other words, the great majority

<sup>1</sup> The Reign of Terror (in the French Revolution) and the retreat of the Prussians from France in 1792.

of the nation, ranged themselves on the side of the government, and were resolved to defend the constitution in church and state. On the other hand, a few zealots, combining with avowed democrats and the herd of evil spirits, always ready to take advantage of civil commotion, openly embraced the principles and defended the proceedings of the French Revolution. Two associations, the London Corresponding Society and the Constitutional Society, were founded for the express purpose of propagating the new doctrines. These societies established branches in most of the large towns. They adopted the forms and imitated the language of the French Assembly. The members styled each other "citizens," after the newest fashion of Parisian democracy; and as these clubs were in acknowledged sympathy and concert with the ruling party in France, there was reason to believe, not only that their movements were directed by that party, but that funds were supplied to them from the same source. The Society of the Friends of the People, consisting of the leading members of the Whig party and which had been established solely for the purpose of promoting a reform in the representation, took care to separate itself from the revolutionary clubs. An address, or manifesto, promulgated by the Constitutional Society, having been communicated by Major Cartwright, the chairman of that body, to the Friends of the People, Lord John Russell, in replying on behalf of the latter, took the occasion to disclaim the extreme opinions enunciated in that address, and to define the more limited views entertained by the body of which he was the organ. But in agitated times like these, public opinion ranges itself on the one side or on the other, and can find no resting-place in a middle term, such as that which a few fastidious noblemen and gentlemen might seek to recommend.

The government meanwhile had observed the proceedings of the democratic party, with the intention of checking their career by an appeal to the law. The publication of the Second Part of the *Rights of Man*, by Paine, afforded the desired opportunity. This treatise, written with great ability by one of the revolutionary leaders, and adopted as an authentic exposition of the views and objects of the democratic reformers, was selected as a subject for prosecution by the law officers of the crown. A criminal information was filed against

Paine, the avowed author of the book; his defence was provided for out of the funds of the Constitutional Association. His counsel was Erskine, and the cause was the first tried under the new Libel Act, which had lately been passed, principally through the exertions of that incomparable advocate. The case, however, was sufficiently clear on the record; but if any doubt could exist as to the character of the publication, it would have been removed by an insolent letter, which the writer, who had been elected a member of the National Convention, addressed to the attorney general from Paris. In this epistle, Paine, boasting his security in a foreign land, treated the proceedings which had been taken against him with derision and defiance, menaced the attorney general, and insulted the king. It was in vain that Erskine employed all his ingenuity and eloquence in defence of such a cause and such a client. The jury would not hear the reply of the counsel for the crown, nor even allow the judge to sum up, but immediately after Erskine had concluded his address, returned a verdict of guilty.

This verdict, operating as a sentence of banishment against the man who might be considered the leader of the revolutionary party in this country, far from deterring, exasperated his followers. Seditious speeches and publications of increased virulence abounded more than ever; and it became evident, that the persons, who were intent on subverting the institutions of the country, and establishing, or attempting to establish, a democratic republic on the ruins, had engaged in organising a wide-spread conspiracy for those purposes. The government, therefore, deemed it necessary to take decisive measures. By a proclamation issued on the 1st of December, the militia was embodied. The Tower of London was fortified; and other measures were taken for the defence of the country against foreign aggression, as well as domestic treason. And, in conformity with the Act, which required parliament to be assembled within fourteen days in the event of the crown calling out the militia, the Houses were summoned for the 13th of December instead of the 3rd of January, to which day they had been prorogued.

W. N. MASSEY.

## THE KING AND THE CITY

ON THE CITY ADDRESS, AND HIS MAJESTY'S ANSWER  
TO THE PRINTER OF THE "PUBLIC ADVERTISER"

19th March, 1770.

SIR,

I believe there is no man, however indifferent about the interests of this country, who will not readily confess that the situation to which we are now reduced, whether it has arisen from the violence of faction, or from an arbitrary system of government, justifies the most melancholy apprehensions, and calls for the exertion of whatever wisdom or vigour is left among us. The king's answer to the remonstrance of the city of London, and the measures since adopted by the ministry, amount to a plain declaration that the principle on which Mr. Luttrell was seated in the House of Commons, is to be supported in all its consequences, and carried to its utmost extent. The same spirit which violated the freedom of election, now invades the Declaration and Bill of Rights; and threatens to punish the subject for exercising a privilege hitherto undisputed, of petitioning the crown. The grievances of the people are aggravated by insults; their complaints not merely disregarded, but checked by authority; and every one of those acts against which they remonstrated, confirmed by the king's decisive approbation. At such a moment, no honest man will remain silent or inactive. However distinguished by rank or property, in the rights of freedom we are all equal. As we are Englishmen, the least considerable man among us has an interest equal to the proudest nobleman in the laws and constitution of his country, and is equally called upon to make a generous contribution in support of them; whether it be the heart to conceive, the understanding to direct, or the hand to execute. It is a common cause; in which we are all interested, in which we should all be engaged. The man who deserts it at this alarming crisis, is an enemy to his country, and (what I think of infinitely less importance) a traitor to his sovereign. The subject who is truly loyal to the chief magistrate, will neither advise nor submit to arbitrary

measures. The city of London have given an example which, I doubt not, will be followed by the whole kingdom. The noble spirit of the metropolis is the lifeblood of the state, collected at the heart: from that point it circulates, with health and vigour, through every artery of the constitution. The time is come when the body of the English people must assert their own cause: conscious of their strength, and animated by a sense of their duty, they will not surrender their birthright to ministers, parliaments or kings.

The city of London have expressed their sentiments with freedom and firmness: they have spoken truth boldly; and in whatever light their remonstrance may be represented by courtiers, I defy the most subtle lawyer in this country to point out a single instance in which they have exceeded the truth. Even that assertion which we are told is most offensive to parliament, in the theory of the English constitution is strictly true. "If any part of the representative body be not chosen by the people, that part vitiates and corrupts the whole." If there be a defect in the representation of the people, that power which alone is equal to the making of the laws in this country, is not complete; and the acts of parliament under that circumstance, are not the acts of a pure and entire legislature. I speak of the theory of our constitution; and whatever difficulties or inconveniences may attend the practice, I am ready to maintain, that as far as the fact deviates from the principle, so far the practice is vicious and corrupt.

I have not heard a question raised upon any other part of the remonstrance. That "the principle on which the Middlesex election was determined, is more pernicious in its effects than either the levying of ship-money by Charles the First, or the dispensing power assumed by his son," will hardly be disputed by any man who understands or wishes well to the English constitution. It is not an act of open violence done by the king, or any direct or palpable breach of the laws attempted by his minister, that can ever endanger the liberties of this country; against such a king or minister the people would immediately take the alarm, and all parties unite to oppose him. The laws may be grossly violated in particular instances, without any direct attack upon the whole system. Facts of that kind stand alone;

they are attributed to necessity, not defended by principle. We can never be really in danger, till the forms of parliament are made use of to destroy the substance of our civil and political liberties: till parliament itself betrays its trust, by contributing to establish new principles of government; and employing the very weapons committed to it by the collective body, to stab the constitution.

As for the terms of the remonstrance, I presume it will not be affirmed by any person less polished than a gentleman-usher, that this is a season for compliments. Our gracious king indeed is abundantly civil to himself. Instead of an answer to a petition, his majesty very gracefully pronounces his own panegyric; and I confess, that as far as his personal behaviour, or the royal purity of his intentions, is concerned, the truth of those declarations which the minister has drawn up for his master cannot decently be disputed. In every other respect, I affirm that they are absolutely unsupported in either argument or fact. I must add too, that supposing the speech were otherwise unexceptionable, it is not a direct answer to the petition of the city.—His majesty is pleased to say, that “he is always ready to receive the requests of his subjects”; yet the sheriffs were twice sent back with an excuse, and it was certainly debated in council whether or not the magistrates of the city of London should be admitted to an audience.—Whether the remonstrance be or be not “injurious to parliament,” is the very question between the parliament and the people; and such a question as cannot be decided by the assertion of a third party, however respectable.—That “the petitioning for a dissolution of parliament is irreconcilable with the principles of the constitution,” is a new doctrine. His majesty perhaps has not been informed, that the house of commons themselves have, by a formal resolution, admitted it to be the right of the subject.—His majesty proceeds to assure us that “he has made the laws the rule of his conduct.” Was it in ordering or permitting his ministers to apprehend Mr. Wilkes by a general warrant? Was it in suffering his ministers to revive the obsolete maxim of *nullum tempus* to rob the Duke of Portland of his property, and thereby give a decisive turn to a county election? Was it in erecting a chamber-consultation of surgeons, with authority to examine



into and supersede the legal verdict of a jury? Or did his majesty consult the laws of this country when he permitted his secretary of state to declare that "whenever the civil magistrate is trifled with," a military force must be sent for without the delay of a moment, and effectually employed? or was it in the barbarous exactness with which this illegal inhuman doctrine was carried into execution? If his majesty had recollected these facts, I think he would never have said, at least with any reference to the measures of his government, that "he had made the laws the rule of his conduct"—to talk of "preserving the affections, or relying on the support, of his subjects," while he continues to act upon these principles, is indeed paying a compliment to their loyalty, which I hope they have too much spirit and understanding to deserve.—His majesty, we are told, is not only punctual in the performance of his own duty, but "careful not to assume any of those powers which the constitution has placed in other hands." Admitting this last assertion to be strictly true, it is no way to the purpose. The city of London have not desired the king to assume a power placed in other hands; if they had, I should hope to see the person who dared to present such a petition, immediately impeached. They solicit their sovereign to exert that constitutional authority which the laws have vested in him, for the benefit of his subjects. They call upon him to make use of his lawful prerogative in a case which our laws evidently supposed might happen, since they have provided for it by trusting the sovereign with a discretionary power to dissolve the parliament. This request will, I am confident, be supported by remonstrances from all parts of the kingdom. His majesty will find at last, that this is the sense of his people; and that it is not his interest to support either ministry or parliament, at the hazard of a breach with the collective body of his subjects.—That he is the king of a free people, is indeed his greatest glory. That he may long continue the king of a free people, is the second wish that animates my heart. The first is, that the people may be free.

JUNIUS.

THE HOUSE OF COMMONS AND THE  
BILL OF RIGHTS

BUT before this a question had been asked in the House of Commons most unpalatable to the expectant sovereign, and most annoying to his more zealous supporters. Was the nation, after the expulsion of James, to be placed at the mercy of William, without any provision against those acts of oppression on the part of the crown, from which they had recently been delivered? Why should not the original compact between the king and the people, to which so many appeals had been made in the recent debates, be now at least reduced to writing? Why should not the new king be told what were the rights of Britons, and on what conditions he received the crown from their hands? At these questions William was offended and alarmed. Hints were conveyed to the leaders in the commons, that he seriously entertained the design of abandoning England altogether, and of hastening with the Dutch army to the defence of Holland against the French monarch; and his adherents were instructed to argue, that the convention had been called for one object only, to fill up the vacancy left by the withdrawal of the late king: that to pass laws which should define or restrict the prerogatives of the crown, was the office, not of a convention, but of a parliament; and that the evils arising from the present interregnum were so great and so numerous, that the safety of the nation allowed not sufficient leisure for the consideration of a question involving interests so complex and important. But these evasions were urged to no purpose. The prince himself saw that something was to be conceded, to satisfy the just expectations of the people: and a compromise was made between the opposite leaders, that the offer of the crown should be preceded by an enumeration of the arbitrary acts attributed to James, and a declaration of the rights claimed by the nation in opposition to those acts: but that, if any amendment of the old laws, or any introduction of new laws, should be thought necessary, that task should be reserved to the wisdom of the succeeding parliament.

With this understanding an instrument was framed, which, after several conferences and amendments, obtained the approbation of both houses. It stated that, whereas the late King James II. had assumed and exercised a power of dispensing with and suspending laws without consent of parliament; and had committed and prosecuted certain prelates, because they had petitioned to be excused from concurring with the said assumed power; and had erected a court of commissioners for ecclesiastical causes; and had levied money for other time and in other manner than had been granted by parliament; and had kept up a standing army in time of peace without consent of parliament; and had quartered soldiers contrary to law; and had disarmed several good subjects, being protestants, when papists were both armed and employed contrary to law; and had violated the freedom of election of members to serve in parliament; and had prosecuted in the court of king's bench for matters and causes cognisable only in parliament.

And whereas—besides these the personal acts of the late king—partial, corrupt, and unqualified persons had of late years been returned on juries, and jurors not freeholders had been admitted to serve on trials for high treason; and excessive fines had been imposed, and illegal and cruel punishments had been inflicted, and grants of fines or forfeitures had been made before conviction or judgment; all of these practices being utterly and directly contrary to the known laws, and statutes and freedom of the realm.

And whereas the said late King James II., having abdicated the government, the throne was thereby become vacant.

Therefore, the lords spiritual and temporal and the commons assembled in a full and free representative of the nation, did in the first place, for the vindication and assertion of their ancient rights and liberties, declare:

That to suspend the execution of the laws by regal authority without consent of parliament, or dispense with laws or the execution of laws by regal authority, *as it had been assumed and exercised of late*; that to erect courts of commissioners for ecclesiastical causes, and such like courts and commissioners; that to levy money in any other way or for any other purpose than granted by parliament; that to prosecute the subject for petitioning, which is the

subject's right, and to keep a standing army in time of peace without consent of parliament, are all contrary to law; that protestant subjects may have arms for their defence, suitable to their condition; that the election of members of parliament ought to be free; that freedom of speech in parliament ought to be impeached nowhere but in parliament; that no excessive bail, nor excessive fines, nor cruel and unusual punishment ought to be awarded; that jurors ought to be duly impanelled, and in trials for high treason ought to be freeholders; that grants and promises of fines and promises before conviction are illegal and void; and that for redress of grievances and the amendment of laws parliaments ought to be frequently held.

And they did claim, demand, and insist upon all and singular the premises as their undoubted rights and liberties; and having an entire confidence that the Prince of Orange would preserve them from the violation of all these rights and of all other their rights, they did therefore resolve:

That William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France and Ireland, and of the dominions thereunto belonging, to hold the same during their lives, and the life of the survivor of them; and that the sole and full exercise of the royal power should be only in, and executed by, the said Prince of Orange in both their names during their joint lives, and that after their decease the said crown should be to the heirs of the body of the said princess, and for default of such issue to the Princess Anne of Denmark and the heirs of her body, and for default of such issue to the heirs of the body of the said Prince of Orange.

Hitherto Mary had been suffered to remain unnoticed in Holland. It was believed that the prince, jealous of her title, was resolved to owe nothing to the presence or the pretensions of his wife: but the moment he became sure of his object, of obtaining the crown as his own for life, she received directions to come to England, and reached St. James's in the eighth week after the expulsion of her father by her husband's order from the same palace. Hers was undoubtedly an extraordinary situation; and curiosity was alive to watch her conduct, when she met the numerous and brilliant court which had assembled to greet her on her

arrival. That conduct was not such as to do her honour. There was a levity in her manner which hurt the feelings, of many even among her adherents; an affectation of gaiety, which suited not a daughter taking possession of the spoils of an exiled and affectionate father. She was herself aware of this impropriety, and afterwards alleged in extenuation, that she had acted a painful and unnatural part in obedience to the stern command of her husband. But if the reader recollect the celebration of the fast-day previous to William's departure from Holland, he will remark that her behaviour on this, was perfectly in keeping with her behaviour on that, occasion.

The next morning the two houses proceeded in state to wait on the prince and princess at Whitehall. The lords were placed on the right hand, the commons on the left, at the lower end of the banqueting house. William and Mary, entering at the opposite end, stood under the canopy of state; and the speakers of the two houses with the members following them were conducted as far as the step by the usher of the black rod. The clerk then read the declaration of rights, and the Marquess of Halifax made to the prince and princess the tender of the crowns of England, France, and Ireland, in the name of the convention, "the representative of the 'nation.'" William replied for himself and his wife, that they thankfully accepted the offer; the more so, as it was a proof of the confidence reposed in them by the whole people. "And," he added, "as I had no other intention in coming hither than to preserve your religion, laws and liberties, so you may be sure that I shall endeavour to support them, and be willing to concur in anything that shall be for the good of the kingdom, and to do all that is in my power to advance the welfare and the glory of the nation." This answer, so laconic and jejune, disappointed the expectation of the hearers; and the cautious and measured language, in which the new king avoided any direct notice of the declaration of rights, induced many to doubt the sincerity of his previous professions. Was it then possible, they asked, that, after all, he was at heart an enemy to liberal institutions? With the blood of the Stuarts had he also inherited their love of arbitrary sway? But the die was cast. He had accepted for himself and the

princess the sceptre which they had offered, and it was now too late to bargain for conditions. William and Mary were proclaimed king and queen in the name of "the lords spiritual and temporal, and of the commons, together with the lord-mayor and citizens of London, and others of the commons of the realm," at the gate of the palace, at Temple Bar, in the midst of Cheapside, and in front of the Royal Exchange. The reign of James had expired with his flight to the continent: that of William and Mary commenced on this important day.

JOHN LINGARD.

### THE HOUSE OF HANOVER

THE descendants of William the Conqueror on the English throne, down to the end of the seventeenth century, have been a good deal above the average in those qualities which enable, or at least induce, kings to take on themselves a large share of the public administration; as will appear by comparing their line with that of the house of Capet, or perhaps most others during an equal period. Without going farther back, we know that Henry VII., Henry VIII., Elizabeth, the four kings of the house of Stuart, though not always with as much ability as diligence, were the master-movers of their own policy, not very susceptible of advice, and always sufficiently acquainted with the details of government to act without it. This was eminently the case also with William III., who was truly his own minister, and much better fitted for that office than those who served him. The king, according to our constitution, is supposed to be present in council, and was in fact usually, or very frequently, present, so long as the council remained as a deliberative body for matters of domestic and foreign policy. But, when a *junto* or cabinet came to supersede that ancient and responsible body, the king himself ceased to preside, and received their advice separately, according to their respective functions of treasurer, secretary, or chancellor, or that of the whole cabinet through one of its leading members. This change however was gradual; for cabinet councils were sometimes

held in the presence of William and Anne; to which other counsellors, not strictly of that select number, were occasionally summoned.

But on the accession of the house of Hanover, this personal superintendence of the sovereign necessarily came to an end. The fact is hardly credible that, George I. being incapable of speaking English, as Sir Robert Walpole was of conversing in French, the monarch and his minister held discourse with each other in Latin. It is impossible that, with so defective a means of communication (for Walpole, though by no means an illiterate man, cannot be supposed to have spoken readily a language very little familiar in this country), George could have obtained much insight into his domestic affairs, or been much acquainted with the characters of his subjects. We know, in truth, that he nearly abandoned the consideration of both, and trusted his ministers with the entire management of this kingdom, content to employ its great name for the promotion of his electoral interests. This continued in a less degree to be the case with his son, who, though better acquainted with the language and circumstances of Great Britain, and more jealous of his prerogative, was conscious of his incapacity to determine on matters of domestic government, and reserved almost his whole attention for the politics of Germany.

*Party connections.*—The broad distinctions of party contributed to weaken the real supremacy of the sovereign. It had been usual before the revolution, and in the two succeeding reigns, to select ministers individually at discretion; and, though some might hold themselves at liberty to decline office, it was by no means deemed a point of honour and fidelity to do so. Hence men in the possession of high posts had no strong bond of union, and frequently took opposite sides on public measures of no light moment. The queen particularly was always loth to discard a servant on account of his vote in parliament; a conduct generous perhaps, but feeble, inconvenient, when carried to such excess, in our constitution, and in effect holding out a reward to ingratitude and treachery. But the whigs having come exclusively into office under the line of Hanover (which, as I have elsewhere observed, was inevitable), formed a sort of phalanx, which the crown was not always able to break, and which never

could have been broken, but for that internal force of repulsion by which personal cupidity and ambition are ever tending to separate the elements of factions. It became the point of honour among public men to fight uniformly under the same banner, though not perhaps for the same cause; if indeed there was any cause really fought for, but the advancement of a party. In this preference of certain denominations, or of certain leaders, to the real principles which ought to be the basis of political consistency, there was an evident deviation from the true standard of public virtue; but the ignominy attached to the dereliction of friends for the sake of emolument, though it was every day incurred, must have tended gradually to purify the general character of parliament. Meanwhile the crown lost all that party attachments gained; a truth indisputable on reflection, though while the crown and the party in power act in the same direction, the relative efficiency of the two forces is not immediately estimated. It was seen, however, very manifestly in the year 1746; when, after long bickering between the Pelhams and Lord Granville, the king's favourite minister, the former, in conjunction with a majority of the cabinet, threw up their offices, and compelled the king, after an abortive effort at a new administration, to sacrifice his favourite, and replace those in power whom he could not exclude from it. The same took place in a later period of his reign, when after many struggles he submitted to the ascendancy of Mr. Pitt.

It seems difficult for any king of England, however conscientiously observant of the lawful rights of his subjects, and of the limitations they impose on his prerogative, to rest always very content with this practical condition of the monarchy. The choice of his counsellors, the conduct of government, are intrusted, he will be told, by the constitution to his sole pleasure. Yet both in the one and the other he finds a perpetual disposition to restrain his exercise of power; and, though it is easy to demonstrate that the public good is far better promoted by the virtual control of parliament and the nation over the whole executive government, than by adhering to the letter of the constitution, it is not to be expected that the argument will be conclusive to a royal understanding. Hence, he may be tempted to play rather a



petty game, and endeavour to regain, by intrigue and insincerity, that power of acting by his own will, which he thinks unfairly wrested from him. A king of England, in the calculations of politics, is little more than one among the public men of the day; taller indeed, like Saul or Agamemnon, by the head and shoulders, and therefore with no slight advantages in the scramble; but not a match for the many, unless he can bring some dexterity to second his strength, and make the best of the self-interest and animosities of those with whom he has to deal. And of this there will generally be so much, that in the long run he will be found to succeed in the greater part of his desires. Thus George I. and George II., in whom the personal authority seems to have been at the lowest point it has ever reached, drew their ministers, not always willingly, into that course of continental politics which was supposed to serve the purposes of Hanover far better than of England. It is well known that the Walpoles and the Pelhams condemned in private this excessive predilection of their masters for their native country, which alone could endanger their English throne. Yet after the two latter brothers had inveighed against Lord Granville, and driven him out of power for seconding the king's pertinacity in continuing the war of 1743, they went on themselves in the same track for at least two years, to the imminent hazard of losing for ever the Low Countries and Holland, if the French government, so indiscriminately charged with ambition, had not displayed extraordinary moderation at the treaty of Aix la Chapelle. The twelve years that ensued gave more abundant proofs of the submissiveness with which the schemes of George II. for the good of Hanover were received by his ministers, though not by his people; but the most striking instance of all is the abandonment by Mr. Pitt himself of all his former professions in pouring troops into Germany. I do not inquire whether a sense of national honour might not render some of these measures justifiable, though none of them were advantageous; but it is certain that the strong bent of the king's partiality forced them on against the repugnance of most statesmen, as well as of the great majority in parliament and out of it.

Comparatively however with the state of prerogative before the revolution, we can hardly dispute that there has

been a systematic diminution of the reigning prince's control, which, though it may be compensated or concealed in ordinary times by the general influence of the executive administration, is of material importance in a constitutional light. Independently of other consequences which might be pointed out as probable or contingent, it affords a real security against endeavours by the crown to subvert or essentially impair the other parts of our government. For, though a king may believe himself and his posterity to be interested in obtaining arbitrary power, it is far less likely that a minister should desire to do so—I mean arbitrary, not in relation to temporary or partial abridgments of the subject's liberty, but to such projects as Charles I. and James II. attempted to execute. What indeed might be effected by a king, at once able, active, popular, and ambitious, should such ever unfortunately appear in this country, it is not easy to predict; certainly his reign would be dangerous, on one side or other, to the present balance of the constitution. But against this contingent evil, or the far more probable encroachments of ministers, which, though not going the full length of despotic power, might slowly undermine and contract the rights of the people, no positive statutes can be devised so effectual as the vigilance of the people themselves and their increased means of knowing and estimating the measures of their government.

*Influence of political writings.*—The publication of regular newspapers, partly designed for the communication of intelligence, partly for the discussion of political topics, may be referred, upon the whole, to the reign of Anne, when they obtained great circulation, and became the accredited organs of different factions. The tory ministers, towards the close of that reign, were annoyed at the vivacity of the press both in periodical and other writings, which led to a stamp-duty, intended chiefly to diminish their number, and was nearly producing more pernicious restrictions, such as renewing the licensing act, or compelling authors to acknowledge their names. These however did not take place, and the government more honourably coped with their adversaries in the same warfare; nor, with Swift and Bolingbroke on their side, could they require, except indeed through the badness of their cause, any aid from the arm of power.

In a single hour these two great masters of language were changed from advocates of the crown to tribunes of the people; both more distinguished as writers in this altered scene of their fortunes, and certainly among the first political combatants with the weapons of the press whom the world has ever known. Bolingbroke's influence was of course greater in England; and, with all the signal faults of his public character, with all the factiousness which dictated most of his writings and the indefinite declamation or shallow reasoning which they frequently display, they have merits not always sufficiently acknowledged. He seems first to have made the Tories reject their old tenets of exalted prerogative and hereditary right, and scorn the high-church theories which they had maintained under William and Anne. His *Dissertation on Parties*, and *Letters on the History of England*, are in fact written on Whig principles (if I know what is meant by that name) in their general tendency; however a politician, who had always some particular end in view, may have fallen into several inconsistencies. The same character is due to the *Craftsman*, and to most of the temporary pamphlets directed against Sir Robert Walpole. They teemed, it is true, with exaggerated declamations on the side of liberty; but that was the side they took; it was to generous prejudices they appealed, nor did they ever advert to the times before the revolution but with contempt or abhorrence. Libels there were indeed of a different class, proceeding from the Jacobite school; but these obtained little regard; the Jacobites themselves, or such as affected to be so, having more frequently espoused that cause from a sense of dissatisfaction with the conduct of the reigning family than from much regard to the pretensions of the other. Upon the whole matter it must be evident to every person who is at all conversant with the publications of George II.'s reign, with the poems, the novels, the essays, and almost all the literature of the time, that what are called the popular or liberal doctrines of government were decidedly prevalent. The supporters themselves of the Walpole and Pelham administrations, though professedly Whigs, and tenacious of revolution principles, made complaints, both in parliament and in pamphlets, of the democratical spirit, the insubordination to authority, the tendency to republican

sentiments, which they alleged to have gained ground among the people. It is certain that the tone of popular opinion gave some countenance to these assertions, though much exaggerated to create alarm in the aristocratical classes, and furnish arguments against redress of abuses.

*Publication of debates.*—The two houses of parliament are supposed to deliberate with closed doors. It is always competent for any one member to insist that strangers be excluded; not on any special ground, but by merely enforcing the standing order for that purpose. It has been several times resolved, that it is a high breach of privilege to publish any speeches or proceedings of the Commons; though they have since directed their own votes and resolutions to be printed. Many persons have been punished by commitment for this offence; and it is still highly irregular, in any debate, to allude to the reports in newspapers, except for the purpose of animadverting on the breach of privilege.<sup>1</sup> Notwithstanding this pretended strictness, notices of the more interesting discussions were frequently made public; and entire speeches were sometimes circulated by those who had sought popularity in delivering them. After the accession of George I. we find a pretty regular account of debates in an annual publication, Boyer's *Historical Register*, which was continued to the year 1737. They were afterwards published monthly, and much more at length, in the *London* and the *Gentleman's Magazines*; the latter, as is well known,

<sup>1</sup> It was resolved, *nem. con.*, Feb. 26th, 1729: That it is an indignity to, and a breach of the privilege of, this house, for any person to presume to give, in written or printed newspapers, any account or minutes of the debates, or other proceedings of this house or of any committee thereof; and that upon discovery of the author, etc., this house will proceed against the offenders with the utmost severity. *Parl. Hist.* viii. 683. There are former resolutions to the same effect. The speaker having himself brought the subject under consideration some years afterwards, in 1738, the resolution was repeated in nearly the same words, but after a debate wherein, though no one undertook to defend the practice, the danger of impairing the liberty of the press was more insisted upon than would formerly have been usual, and Sir Robert Walpole took credit to himself, justly enough, for respecting it more than his predecessors. *Id.* x. 800; Cote's *Walpole*, i. 572. Edward Cave, the well-known editor of the *Gentleman's Magazine*, and the publisher of another magazine, was brought to the bar, April 30th, 1747, for publishing the house's debates; when the former denied that he retained any person in pay to make the speeches, and after expressing his contrition was discharged on payment of fees. *Id.* xiv. 57.

improved by the pen of Johnson yet not so as to lose by any means the leading scope of the arguments. It follows of course that the restriction upon the presence of strangers had been almost entirely dispensed with. A transparent veil was thrown over this innovation by disguising the names of the speakers, or more commonly by printing only initial and final letters. This ridiculous affectation of concealment was extended to many other words in political writings, and had not wholly ceased in the American war.

It is almost impossible to over-rate the value of this regular publication of proceedings in parliament, carried as it has been in our own time to nearly as great copiousness and accuracy as is probably attainable. It tends manifestly and powerfully to keep within bounds the supineness and negligence, the partiality and corruption, to which every parliament, either from the nature of its composition or the frailty of mankind, must more or less be liable. Perhaps the constitution would not have stood so long, or rather would have stood like a useless and untenanted mansion, if this unlawful means had not kept up a perpetual intercourse, a reciprocity of influence between the parliament and the people. A stream of fresh air, boisterous perhaps sometimes as the winds of the north, yet as healthy and invigorating, flows in to renovate the stagnant atmosphere, and to prevent that *malaria*, which self-interest and oligarchical exclusiveness are always tending to generate. Nor has its importance been less perceptible in affording the means of vindicating the measures of government, and securing to them, when just and reasonable, the approbation of the majority among the middle ranks, whose weight in the scale has been gradually increasing during the last and present centuries.

*Increased influence of the middle ranks.*—This augmentation of the democratical influence, using that term as applied to the commercial and industrious classes in contradistinction to the territorial aristocracy, was the slow but certain effect of accumulated wealth and diffused knowledge, acting however on the traditional notions of freedom and equality which had ever prevailed in the English people. The nation, exhausted by the long wars of William and Anne, recovered strength in the thirty years of peace that ensued; and in that period, especially under the prudent rule of Walpole, the

seeds of our commercial greatness were gradually ripened. It was evidently the most prosperous season that England had ever experienced; and the progression, though slow, being uniform, the reign perhaps of George II. might not disadvantageously be compared, for the real happiness of the community, with that more brilliant but uncertain and oscillatory condition which has ensued. A distinguished writer has observed that the labourer's wages have never, at least for many ages, commanded so large a portion of subsistence as in this part of the eighteenth century. The public debt, though it excited alarms from its magnitude, at which we are now accustomed to smile, and though too little care was taken for redeeming it, did not press very heavily on the nation; as the low rate of interest evinces, the government securities at three per cent. having generally stood above par. In the war of 1743, which from the selfish practice of relying wholly on loans did not much retard the immediate advance of the country, and still more after the peace of Aix la Chapelle, a striking increase of wealth became perceptible. This was shown in one circumstance directly affecting the character of the constitution. The smaller boroughs, which had been from the earliest time under the command of neighbouring peers and gentlemen, or sometimes of the crown, were attempted by rich capitalists, with no other connection or recommendation than one which is generally sufficient. This appears to have been first observed in the general elections of 1747 and 1754; and though the prevalence of bribery is attested by the statute-book, and the journals of parliament from the revolution, it seems not to have broken down all floodgates till near the end of the reign of George II. The sale of seats in parliament, like any other transferable property, is never mentioned in any book that I remember to have seen of an earlier date than 1760. We may dispense therefore with the inquiry in what manner this extraordinary traffic has affected the constitution, observing only that its influence must have tended to counteract that of the territorial aristocracy, which is still sufficiently predominant. The country gentlemen, who claimed to themselves a character of more independence and patriotism than could be found in any other class, had long endeavoured to protect their ascendancy by excluding

the rest of the community from parliament. This was the principle of the bill, which, after being frequently attempted, passed into a law during the tory administration of Anne, requiring every member of the Commons, except those for the universities, to possess, as a qualification for his seat, a landed estate, above all incumbrances, of £300 a year. By a later act of George II., with which it was thought expedient, by the government of the day, to gratify the landed interest, this property must be stated on oath by every member on taking his seat, and, if required, at his election. The law is however notoriously evaded; and though much might be urged in favour of rendering a competent income the condition of eligibility, few would be found at present to maintain that the freehold qualification is not required both unconstitutionally, according to the ancient theory of representation, and absurdly, according to the present state of property in England. But I am again admonished, as I have frequently been in writing these last pages, to break off from subjects that might carry me too far away from the business of this history; and, content with compiling and selecting the records of the past, to shun the difficult and ambitious office of judging the present, or of speculating upon the future.

HENRY HALLAM.

## THE FIRST REFORM BILL.

UNDER these circumstances, ministers acted with promptitude and decision. Their defeat had occurred on the morning of the 22nd of April; on the same day summonses were issued, calling a cabinet council at St. James's Palace. So short was the notice, that the ministers were unable to attend, as was customary on such occasions, in their court dresses. At this council it was unanimously resolved that the parliament should be prorogued the same day, with a view to its speedy dissolution, and the royal speech, which had been prepared for the occasion, was considered and adopted. All necessary arrangements having been made, in order to take away from the king all pretext for delay, Earl

Grey and Lord Brougham were deputed to wait on the king, and communicate to him the advice of the cabinet. From what has been already said, the reader will be prepared to anticipate that this advice was far from palatable. The unusual haste with which it was proposed to carry out that measure, naturally increased the king's known objections to the proposed step, and furnished him with a good excuse for refusing his assent to it. Earl Grey, the pink and pattern of loyalty and chivalrous courtesy, shrunk from the disagreeable errand, and requested his bolder and less courtly colleague to introduce the subject, begging him at the same time to manage the susceptibility of the king as much as possible.

The chancellor accordingly approached the subject very carefully, prefacing the disagreeable message with which he was charged, with a compliment on the king's desire to promote the welfare of his people. He then proceeded to communicate the advice of the cabinet, adding, that they were unanimous in offering it.

"What!" exclaimed the king, "would you have me dismiss in this summary manner a parliament which has granted me so splendid a civil list, and given my queen so liberal an annuity in case she survives me?"

"No doubt, sire," Lord Brougham replied, "in these respects they have acted wisely and honourably, but your majesty's advisers are all of opinion, that in the present state of affairs, every hour that this parliament continues to sit is pregnant with danger to the peace and security of your kingdom, and they humbly beseech your majesty to go down this very day and prorogue it. If you do not, they cannot be answerable for the consequences."

The king was greatly embarrassed; he evidently entertained the strongest objection to the proposed measure, but he also felt the danger which would result from the resignation of his ministers at the present crisis. He therefore shifted his ground, and asked: "Who is to carry the sword of state and the cap of maintenance?"

"Sire, knowing the urgency of the crisis and the imminent peril in which the country at this moment stands, we have ventured to tell those whose duty it is to perform these and other similar offices, to hold themselves in readiness."



“ But the troops, the life guards, I have given no orders for them to be called out, and now it is too late.”

This was indeed a serious objection, for to call out the guards was the special prerogative of the monarch himself, and no minister had any right to order their attendance without his express command.

“ Sire,” replied the chancellor, with some hesitation, “ we must throw ourselves on your indulgence. Deeply feeling the gravity of the crisis, and knowing your love for your people, we have taken a liberty which nothing but the most imperious necessity could warrant; we have ordered out the troops, and we humbly throw ourselves on your majesty’s indulgence.”

The king’s eye flashed and his cheek became crimson. He was evidently on the point of dismissing the ministry in an explosion of anger. “ Why, my lords,” he exclaimed, “ this is treason! *high* treason, and you, my lord chancellor, ought to know that it is.”

“ Yes, sire, I do know it, and nothing but the strongest conviction that your majesty’s crown and the interests of the nation are at stake, could have induced us to take such a step, or to tender the advice we are now giving.”

This submissive reply had the desired effect, the king cooled, his prudence and better genius prevailed, and having once made up his mind to yield, he yielded with a good grace. He accepted, without any objection, the speech which had been prepared for him, and which the two ministers had brought with them, he gave orders respecting the details of the approaching ceremonial, and having completely recovered his habitual serenity and good humour, he dismissed the two lords with a jocose threat of impeachment.

At half-past two o’clock the king entered his state carriage. It was remarked that the guards on this occasion rode wide of it, as if they attended as a matter of state and ceremony, and not as being needed for the king’s protection. Persons wishing to make a more open demonstration of their feelings, were allowed to pass between the soldiers and approach the royal carriage. One of these, a rough sailorlike person, pulled off his hat, and waving it around his head, shouted lustily, “ Turn out the rogues, your majesty.” Notwith-

standing the suddenness with which the resolution to dissolve had been taken, the news had already spread through the metropolis, an immense crowd was assembled, and the king was greeted throughout his whole progress with the most enthusiastic shouts. He was exceedingly fond of popularity, and these acclamations helped to reconcile him to the step he had been compelled to take, and to efface the unpleasant impression which the scene which had so recently occurred could not fail to leave behind it.

Meanwhile, another scene of a far more violent kind was taking place in the House of Lords. The chancellor on leaving the king went down to the House to hear appeals. Having gone through the cause list he retired, in the hope that he should thereby prevent Lord Wharncliffe from bringing forward his motion. But the opposition lords had mustered in great force, and the House was full in all parts. It is usual on the occasion of a prorogation by the sovereign, for the peers to appear in their robes, and most of those present wore theirs, but owing to the precipitation with which the dissolution had been decided on, several peers, especially on the opposition side of the House, were without them. A large number of peeresses in full dress, and of members of the House of Commons were also present. And now a struggle commenced between the two parties into which the House was divided. The object of the opposition was to press Lord Wharncliffe's motion before the king's arrival; the supporters of the ministry wished to prevent it from being passed. The firing of the park guns announced that the king was already on his way down to the House, and told the opposition they had no time to lose. On the motion of Lord Mansfield, the Earl of Shaftesbury presided, in the absence of the lord chancellor.

The Duke of Richmond, in order to baffle the opposition, moved that the standing order which required their lordships to take their places should be enforced. The opposition saw at once that this motion was made for the sake of delay, and angrily protested against it; whereupon the duke threatened to call for the enforcement of two other standing orders which prohibited the use of intemperate and threatening language in the house. Lord Londonderry, furious with indignation, broke out into a vehement tirade against the

conduct of the ministry, and thus effectually played the game of his opponents. So violent was the excitement which prevailed at this time in the House, that the ladies present were terrified, thinking that the peers would actually come to blows. At length Lord Londonderry was persuaded to sit down, and Lord Wharncliffe obtained a hearing. But it was too late to press his motion, and he contented himself with reading it, in order that it might be entered on the journals of the House.

At this conjuncture, the lord chancellor returned, and the moment the reading of the address was concluded, he exclaimed in a vehement and emphatic tone:

“ My lords, I have never yet heard it doubted that the king possessed the prerogative of dissolving parliament at pleasure, still less have I ever known a doubt to exist on the subject at a moment when the lower House have thought fit to refuse the supplies.” Scarcely had he uttered these words when he was summoned to meet the king, who had just arrived and was in the robing room; he at once quitted the House, which resounded on all sides with cries of “hear” and “the king.”

This tumult having in some degree subsided, Lord Mansfield addressed the House, regretting the scene which had just occurred, and condemning the dissolution, which he qualified as an act by which the ministers were making the sovereign the instrument of his own destruction:

He was interrupted by another storm of violence and confusion, which was at length appeased by the announcement that the king was at hand. When he entered, the assembly had recovered its usual calm and decorous tranquillity. The members of the House of Commons having been summoned to the bar, the king, in a loud and firm voice, pronounced his speech, which commenced with the following words:

“ My lords and gentlemen,

“ I have come to meet you for the purpose of proroguing this parliament, with a view to its immediate dissolution.

“ I have been induced to resort to this measure for the purpose of ascertaining the sense of my people, in the way in which it can be most constitutionally and authentically expressed, on the expediency of making such changes in

the representation as circumstances may appear to require, and which, founded on the acknowledged principles of the constitution, may tend at once to uphold the just rights and prerogatives of the crown, and to give security to the liberties of the people."

W. NASSAU MOLESWORTH.

### PASSAGE OF THE FIRST REFORM BILL

LONDON, *March 30th*, 1831.

DEAR ELLIS,—I have little news for you, except what you will learn from the papers as well as from me. It is clear that the Reform Bill must pass, either in this or in another parliament. The majority of one does not appear to me, as it does to you, by any means inauspicious. We should perhaps have had a better plea for a dissolution if the majority had been the other way. But surely a dissolution under such circumstances would have been a most alarming thing. If there should be a dissolution now, there will not be that ferocity in the public mind which there would have been if the House of Commons had refused to entertain the bill at all. I confess that, till we had a majority, I was half inclined to tremble at the storm which he had raised. At present I think that we are absolutely certain of victory, and of victory without commotion.

Such a scene as the division of last Tuesday I never saw, and never expect to see again. If I should live fifty years, the impression of it will be as fresh and sharp in my mind as if it had just taken place. It was like seeing Cæsar stabbed in the Senate-house, or seeing Oliver taking the mace from the table; a sight to be seen only once, and never to be forgotten. The crowd overflowed the House in every part. When the strangers were cleared out, and the doors locked, we had six hundred and eight members present—more by fifty-five than ever were in a division before. The ayes and noes were like two volleys of cannon from opposite sides of a field of battle. When the opposition went out into the lobby, an operation which took up twenty minutes or more, we spread ourselves over the benches on both sides of the House; for there were many of us who had not been able

to find a seat during the evening. When the doors were shut we began to speculate on our members. Everybody was desponding. "We have lost it. We are only two hundred and eighty at most. I do not think we are two hundred and fifty. They are three hundred. Alderman Thompson has counted them. He says they are two hundred and ninety-nine." This was the talk on our benches. I wonder that men who have been long in parliament do not acquire a better *coup d'œil* for numbers. The House, when only the ayes were in it, looked to me a very fair House—much fuller than it is generally even on debates of considerable interest. I had no hope, however, of three hundred. As the tellers passed along our lowest row on the left-hand side the interest was insupportable—two hundred and ninety-one—two hundred and ninety-two—we were all standing up and stretching forward, telling with the teller. At three hundred there was a short cry of joy—at three hundred and two another—suppressed, however, in a moment; for we did not yet know what the hostile force might be. We knew, however, that we could not be severely beaten. The doors were thrown open and in they came. Each of them, as he entered, brought some different report of their members. It must have been impossible, as you may conceive, in the lobby, crowded as they were, to form any exact estimate. First we heard that they were three hundred and three; then that number rose to three hundred and ten; then they went down to three hundred and seven. Alexander Barry told me that he had counted, and that they were three hundred and four. We were all breathless with anxiety, when Charles Wood, who stood near the door, jumped upon a bench and cried out, "They are only three hundred and one." We set up a shout that you might have heard to Charing Cross, waving our hats, stamping against the floor, and clapping our hands. The tellers scarcely got through the crowd; for the House was thronged up to the table, and all the floor was fluctuating with heads like the pit of a theatre. But you might have heard a pin drop as Duncannon read the members. Then again the shouts broke out, and many of us shed tears. I could scarcely refrain. And the jaw of Peel fell; and the face of Twiss was as the face of a damned soul; and Herries looked like Judas taking

his neck-tie off for the last operation. We shook hands and clapped each other on the back, and went out laughing, crying, and huzzaing into the lobby. And no sooner were the outer doors opened than another shout answered that within the House. All the passages and the stairs into the waiting-rooms were thronged by people who had waited till four in the morning to know the issue. We passed through a narrow lane between two thick masses of them; and all the way down we were shouting and waving our hats, till we got into the open air. I called a cabriolet, and the first thing the driver asked was, "Is the bill carried?" "Yes, by one." "Thank God for it, sir!" And away I rode to Gray's Inn—and so ended a scene which will probably never be equalled till the reformed parliament wants reforming; and that I hope will not be till the days of our grandchildren—till that truly orthodox and apostolical person, Dr. Francis Ellis, is an archbishop of eighty. . . .

LORD MACAULAY.

### FACTORY REFORM

THE first Sir Robert Peel agreed to re-introduce the questions of factory labour and factory regulation to the notice of the legislature. It was not remarkable that the first Sir Robert Peel should have been chosen to lead in parliament on the factory question. He was the most prosperous and experienced cotton-spinner distinguished by a seat in the House of Commons, a practical and clearheaded speaker. His decided success as a cotton-spinner gave to his words additional weight on all that related to cotton manufacture; the ease and satisfaction with which he carried his bill of 1802 through parliament warranted the hope of speedy success. Between 1802 and 1815 a very decided change had taken place as regarded the cotton manufacture and those employed in mills. This change has been very distinctly stated in the first Sir Robert Peel's paper, "*the substance*" of his "*five-and-forty years*" experience. "Large buildings," said the first Sir Robert, "are now erected, not only as formerly on the banks of

streams, but in the midst of populous towns, and instead of parish apprentices being sought after, the children of the surrounding poor are preferred, whose masters being free from the operation of the former act of parliament are subjected to no limitation of time in the prosecution of their business, though children are frequently admitted there to work thirteen or fourteen hours per day at the tender age of seven years, and even in some cases still younger. I need not ask the committee to give an opinion of the consequence of such a baneful practice upon the health and well-being of these little creatures." . . . "I most anxiously press upon the committee that unless some parliamentary interference takes place, the benefits of the apprentice bill will soon be entirely lost, the practice of employing parish apprentices will cease, their places will be wholly supplied by other children, between whom and their master no permanent contract is likely to exist, and for whose good treatment there will not be the slightest security. Such indiscriminate and unlimited employment of the poor, consisting of a great proportion of the inhabitants of trading districts, will be attended with effects to the rising generation so serious and alarming, that I cannot contemplate them without dismay, and thus that great effort of British ingenuity, whereby the machinery of our manufactures has been brought to such perfection, instead of being a blessing to the nation will be converted into the bitterest curse." The deteriorated condition of the population of the factory districts was a fact within the experience of the first Sir Robert Peel, and, naturally, filled his mind with serious apprehensions. He had watched the downward progress; had witnessed the aversion of the working classes to send their children to the factories; had marked that aversion yield, of necessity, to a forced compliance; had observed the progress of a system which in practice supplanted the labour of parents by that of children; his keen perception enabled him to apprehend that, eventually, the places of the factory apprentices would be taken by the children of the neighbouring working population; to such children he was anxious to extend the legal protection which had proved beneficial to the factory apprentices.

The following were the hours of labour imposed upon the

children employed in a factory at Leeds last summer:— On Monday morning, work commenced at six o'clock; at nine, half-an-hour for breakfast; from half-past nine till twelve, work. Dinner, one hour; from one till half-past four, work. Afternoon meal, half-an-hour; from five till eight, work: rest for half-an-hour. From half-past eight till twelve (midnight), work: an hour's rest. From one in the morning till five, work: half-an-hour's rest. From half-past five till nine, work: breakfast. From half-past nine till twelve, work; dinner; from one till half-past four, work. Rest half-an-hour; and work again from five till nine o'clock on Tuesday evening, when the labour terminated, and the gang of adult and infant slaves were dismissed for the night, after having toiled thirty-nine hours, with brief intervals (amounting to only six hours in the whole) for refreshment, but none for sleep. On Wednesday and Thursday, day work only. From Friday morning till Saturday night, the same prolonged labour repeated, with intermissions as on Monday, Monday night, and Tuesday; except that the labour of the last day closed at five.

JAMES PATERSON:

" I reside at Dundee, am twenty-eight years of age, and by business a mill-overseer. I have been acquainted with the mill system in Dundee and neighbourhood for a long time. At ten years of age I entered a mill; it was Mr. Proctor's, of Glammis. I worked in the carding-room, which was very dusty. There were fourteen hours' actual work, and fifteen hours a day confinement, including meals. I suffered from shortness and stoppage at the breast, and was forced to leave in consequence. I was nearly three years at Mr. Proctor's. Other children were similarly affected; I had a brother who was at that work too, and he was compelled to leave for bad health, and was laid up and died of consumption. The doctor said it was occasioned by being confined at that work. My brother died at eighteen years of age; he had originally a good constitution.

.....

" I worked at Mr. Braid's mill, of Duntruin; there we worked as long as we could see in summer time, and I could



not say at what hour it was we stopped. There was nobody but the master, and the master's son, had a watch, and we did not know the time. The operatives were not permitted to have a watch. There was one man that had a watch, I believe it was a friend who gave it him; it was taken from him and given into the master's custody, because he had told the men the time of the day. There was no clock at that mill. There were a great many children in proportion to the number of adults, most of them were orphans. There was a part of them that came from Edinburgh, and a part of them from Perth. There were some of the orphan children from Edinburgh who had been in the mill, I believe, from four to five years. The children were incapable of performing their day's labour well towards the termination of the day; their fate was to be awoken by being beaten, and to be kept awake by the same method. They were under that mode of treatment, kept on the premises by being locked up, while at work; they were guarded up to their bothies to take their meals, they were locked up in the bothies at night, and the master took the key away with him to his own bedroom; they were guarded to their work, and they were guarded back again, and they were guarded while they were taking their meat, and then they were locked up for rest. The windows of the bothies where they slept had all iron stanchions on the outside, so that they could not escape. They were not allowed to go to a place of worship on the Sunday; they were guarded on the premises by the master or his son. There were twenty-five or twenty-six of us together. There was one bothy for the boys, but that did not hold them all, and there were some of them put into the other bothy along with the girls. The ages of the boys that were put into the girls' bothy might be, I should suppose, from ten to fourteen, the ages of the girls, perhaps, from twelve to eighteen.

“The children and young persons were sometimes successful in their attempts to escape from labour and confinement. I have gone after them on horseback and brought them back myself. Those brought back were taken into the mill, and got a severe beating with a strap; sometimes the master kicked them on the floor, and struck them with both his hands and his feet. Those who had made engagements

for any length of time, when they ran away, the master if he could not find them before they got home to their relations, if they had any, he sent after them and put them in gaol. I knew a woman put in gaol, and brought back after a twelvemonth, and worked for her meat; and she had to pay the expenses that were incurred. There were some engaged for two years, and some as far on as three years, and some of those girls sent from Edinburgh, I heard them say, were engaged for five years. That girl that was sent to prison worked two years for nothing, to indemnify her master for the loss of her time while she was in the course of punishment, but there was a sister who came to work nine months or so to help her to perform the two years.

“When the hands worked these long hours, the master came himself and roused them in the morning, and those that would not rise, I have seen him take a pail of water and throw it upon them, to make them rise. One of the means taken to secure those children and young persons from running away was that their clothes, if they had any not in use, were kept locked up, so that if they ran away they could only run away with what was on their backs. Those children were at times beaten very violently.”

“ALFRED.”

## THE RAILWAYS

THE openings of the great main lines of railroad communication shortly proved the fallaciousness of the numerous rash prophecies which had been promulgated by the opponents of railways. The proprietors of the canals were astounded by the fact that, notwithstanding the immense traffic conveyed by rail, their own traffic and receipts continued to increase; and that, in common with other interests, they fully shared in the expansion of trade and commerce which had been so effectually promoted by the extension of the railway system. The cattle-owners were equally amazed to find the price of horse-flesh increasing with the extension

of railways, and that the number of coaches running to and from the new railway-stations gave employment to a greater number of horses than under the old stage-coach system. Those who had prophesied the decay of the metropolis, and the ruin of the suburban cabbage-growers, in consequence of the approach of railways to London, were also disappointed; for, while the new roads let citizens out of London, they let country-people in. Their action, in this respect, was centripetal as well as centrifugal. Tens of thousands who had never seen the metropolis could now visit it expeditiously and cheaply; and Londoners who had never visited the country, or but rarely, were enabled, at little cost of time or money, to see green fields, and clear blue skies, far from the smoke and bustle of town. If the dear suburban-grown cabbages became depreciated in value, there were truckloads of fresh-grown country cabbages to make amends for the loss: in this case, the "partial evil" was a far more general good. The food of the metropolis became rapidly improved, especially in the supply of wholesome meat and vegetables. And then the price of coals—an article which, in this country, is as indispensable as daily food to all classes—was greatly reduced. What a blessing to the metropolitan poor is described in this single fact!

The prophecies of ruin and disaster to landlords and farmers were equally confounded by the openings of the railways. The agricultural communications, so far from being "destroyed" as had been predicted, were immensely improved. The farmers were enabled to buy their coals, lime, and manure for less money, while they obtained a readier access to the best markets for their stock and farm-produce. Notwithstanding the predictions to the contrary, their cows gave milk as before, their sheep fed and fattened, and even skittish horses ceased to shy at the passing locomotive. The smoke of the engines did not obscure the sky, nor were farmyards burnt up by the fire thrown from the locomotives. The farming classes were not reduced to beggary; on the contrary, they soon felt that, so far from having anything to dread, they had very much good to expect from the extension of railways.

Landlords also found that they could get higher rents for farms situated near a railway than at a distance from one.

Hence they became clamorous for "sidings." They felt it to be a grievance to be placed at a distance from a station. After a railway had been once opened, not a landlord would consent to have the line taken from him. Owners who had fought the promoters before Parliament, and compelled them to pass their domains at a distance, at a vastly-increased expense in tunnels and deviations, now petitioned for branches and nearer station accommodation. Those who held property near towns, and had extorted large sums as compensation for the anticipated deterioration in the value of their building land, found a new demand for it springing up at greatly advanced prices. Land was now advertised for sale, with the attraction of being "near a railway station."

The prediction that, even if railways were made, the public would not use them, was also completely falsified by the results. The ordinary mode of fast travelling for the middle classes had heretofore been by mail-coach and stage-coach. Those who could not afford to pay the high prices charged for such conveyances went by waggon, and the poorer classes trudged on foot. George Stephenson was wont to say that he hoped to see the day when it would be cheaper for a poor man to travel by railway than to walk, and not many years passed before his expectation was fulfilled. In no country in the world is time worth more money than in England; and by saving time—the criterion of distance—the railway proved a great benefactor to men of industry in all classes.

Many deplored the inevitable downfall of the old stage-coach system. There was to be an end of that delightful variety of incident usually attendant on a journey by road. The rapid scamper across a fine country on the outside of the four-horse "Express" or "Highflyer"; the seat on the box beside Jehu, or the equally coveted place near the facetious guard behind; the journey amid open green fields, through smiling villages and fine old towns, where the stage stopped to change horses and the passengers to dine—was all very delightful in its way; and many regretted that this old-fashioned and pleasant style of travelling was about to pass away. But it had its dark side also. Any one who remembers the journey by stage from London to Manchester or York

will associate with it recollections and sensations of not unmixed delight. To be perched for twenty hours, exposed to all weathers, on the outside of a coach, trying in vain to find a soft seat—sitting now with the face to the wind, rain, or sun, and now with the back—without any shelter such as the commonest penny-a-mile parliamentary train now daily provides—was a miserable undertaking, looked forward to with horror by many whose business required them to travel frequently between the provinces and the metropolis. Nor were the inside passengers more agreeably accommodated. To be closely packed up in a little, inconvenient, straight-backed vehicle, where the cramped limbs could not be in the least extended, nor the wearied frame indulge in any change of posture, was felt by many to be a terrible thing. Then there were the constantly-recurring demands, not always couched in the politest terms, for an allowance to the driver every two or three stages, and to the guard every six or eight; and if the gratuity did not equal their expectations, growling and open abuse were not unusual. These disagreements, together with the exactions practised on travellers by innkeepers, seriously detracted from the romance of stage-coach travelling, and there was a general disposition on the part of the public to change the system for a better.

The extent to which the new passenger railways were at once made use of proved that this better system had been discovered. Notwithstanding the reduction of the coach fares on many of the roads to one-third of the previous rate, people preferred travelling by the railway. They saved in time; and they saved in money, taking the whole expenses into account. In point of comfort there could be no doubt as to the infinite superiority of the railway carriage. But there remained the question of safety, which had been a great bugbear with the early opponents of railways, and was made the most of by the coach-proprietors to deter travellers from using them. It was predicted that trains of passengers would be blown to pieces, and that none but fools would entrust their persons to the conduct of an explosive machine such as the locomotive. It appeared, however, that during the first eight years not fewer than five millions of passengers had been conveyed along the Liverpool and Manchester

Railway, and of this vast number only two persons had lost their lives by accident. During the same period, the loss of life by the upsetting of stage-coaches had been immensely greater in proportion. The public were not slow, therefore, to detect the fact that travelling by railways was greatly safer than travelling by common road; and in all districts penetrated by railways the coaches were very shortly taken off for want of support.

George Stephenson himself had a narrow escape in one of the stage-coach accidents so common twenty years ago, but which are already almost forgotten. While the Birmingham line was under construction, he had occasion to travel from Ashby-de-la-Zouch to London by coach. He was an inside passenger with an elderly lady, and the outsides were pretty numerous. When within ten miles of Dunstable, he felt, from the rolling of the coach, that one of the linchpins securing the wheels had given way, and that the vehicle must upset. He endeavoured to fix himself in his seat, holding on firmly by the arm-straps, so that he might save himself on whichever side the coach fell. It soon toppled over, and fell crash upon the road, amidst the shrieks of his fellow-passengers and the smashing of glass. He immediately pulled himself up by the arm-strap above him, let down the coach window, and climbed out. The coachman and the passengers lay scattered about on the road, stunned, and some of them bleeding, while the horses were plunging in their harness. Taking out his pocket-knife, he at once cut the traces, and set the horses free. He then went to the help of the passengers, who were all more or less hurt. The guard had his arm broken, and the driver was seriously cut and contused. A scream from one of his fellow-passenger "insides" here attracted his attention: it proceeded from the elderly lady, whom he had before observed to be decorated with one of the enormous bonnets in fashion at the time. Opening the coach-door, he lifted the lady out, and her principal lamentation was that her large bonnet had been crushed beyond remedy! Mr. Stephenson then proceeded to the nearest village for help, and saw the passengers provided with proper assistance before he himself went forward on his journey.

It was some time before the more opulent classes, who

could afford to post to town in aristocratic style, became reconciled to railway travelling. The old families did not relish the idea of being conveyed in a train of passengers of all ranks and conditions, in which the shopkeeper and the peasant were carried along at the same speed as the duke and the baron—the only difference being in price. It was another deplorable illustration of the levelling tendencies of the age. It put an end to that gradation of rank in travelling which was one of the few things left by which the nobleman could be distinguished from the Manchester manufacturer and bagman. But to younger sons of noble families the convenience and cheapness of the railway did not fail to recommend itself. One of these, whose eldest brother had just succeeded to an earldom, said one day to a railway manager: "I like railways—they just suit young fellows like me with 'nothing per annum paid quarterly.' You know, we can't afford to post, and it used to be deuced annoying to me, as I was jogging along on the box-seat of the stage-coach, to see the little Earl go by drawn by his four posters, and just look up at me and give me a nod. But now, with railways, it's different. It's true, he may take a first-class ticket, while I can only afford a second-class one, but we both go the same pace."

For a time, however, many of the old families sent forward their servants and luggage by railroad, and condemned themselves to jog along the old highway in the accustomed family chariot, dragged by country post-horses. But the superior comfort of the railway shortly recommended itself to even the oldest families; posting went out of date; post-horses were with difficulty to be had along even the great high-roads; and nobles and servants, manufacturers and peasants, alike shared in the comfort, the convenience, and the despatch of railway travelling. The late Dr. Arnold, of Rugby, regarded the opening of the London and Birmingham line as another great step accomplished in the march of civilisation. "I rejoice to see it," he said, as he stood on one of the bridges over the railway, and watched the train flashing along under him, and away through the distant hedgerows—"I rejoice to see it, and to think that feudality is gone for ever: it is so great a blessing to think that any one evil is really extinct."

It was long before the late Duke of Wellington would trust himself behind a locomotive. The fatal accident to Mr. Huskisson which had happened before his eyes, contributed to prejudice him strongly against railways, and it was not until the year 1843 that he performed his first trip on the South-Western Railway, in attendance upon her majesty. Prince Albert had for some time been accustomed to travel by railway alone, but in 1842 the queen began to make use of the same mode of conveyance between Windsor and London. Even Colonel Sibthorpe was eventually compelled to acknowledge its utility. For a time he continued to post to and from the country as before. Then he compromised the matter by taking a railway ticket for the long journey, and posting only for a stage or two nearest town; until, at length, he undisguisedly committed himself, like other people, to the express train, and performed the journey throughout upon what he had formerly denounced as "the infernal railroad."

SAMUEL SMILES.

### HUNGRY FORTIES AND CHARTISM

CHARTISM, in its narrower sense, was an outburst of radicalism consequent upon the discovery by the people that they had only exchanged the domination of the upper classes for that of the middle; but in its broader meaning it was also the expression of their discontent with their economic condition—a new name, as Carlyle remarked, for a thing which had had many names. The growth of manufactures, which added to the wealth of the manufacturers and the country, seemed to increase the degradation of the workers. The survey of Dr. Gaskell in 1833, the speeches of Ashley, Fielden, and Oastler, and the evidence of the parliamentary committees, amply confirm the terrible and familiar pictures of *Sybil* and *Mary Barton*. Chadwick had not yet begun his great reforms in sanitation; fever was endemic in the noisome alleys and cellars; and men worked long hours for a pittance, or sat idle at home, ousted by the competition of



their own children. At this time of social despair Owen's ideas began to permeate the working classes. Factory legislation was at most a palliative; but the antagonism of interest between masters and men could be overcome by the workers themselves controlling the productive processes of the country. The Owenite propaganda began seriously in 1834, and was welcomed by the worker as a revelation.

Owen's teaching found the readiest acceptance in the trade unions. Since 1829 the idea of unanimous and irresistible organisation had flitted through the minds of working men. In 1833 Owen and Fielden declared for the plan, the latter urging a general strike for an eight hours' day; and in 1834 was launched the Grand National Consolidated Trades Union, which counted before long half-a-million members. Before any joint action had been taken, many masters dismissed all of their employees who belonged to the union. The rapid growth of the organisation and its extension to agricultural districts thoroughly scared the ruling classes; and an obsolete act, passed in 1797 to cope with the mutiny of the Nore, was revived against six Dorsetshire labourers for administering oaths on the admission of members. Though no outrage or intimidation was alleged, the men were condemned to seven years transportation. The sentence was hotly attacked in parliament by the radicals; petitions poured in, and a monster procession organised by the trades' unions and estimated by the *Times* at 30,000, marched to Whitehall, where Melbourne refused to see them. The labourers were allowed to return after two years; but the federation was paralysed by the blow, and rapidly fell to pieces. The ultimate cause of the chartist movement was the misery of the working classes; its proximate cause was the poor law of 1834. The choice now lay between starvation and the workhouse. Horrible tales, like that of *Oliver Twist*, were circulated of the wanton cruelty to which inmates of work-houses were subjected, and the formation of each new union in the north was hotly resisted. The feature of the new system which aroused the most passionate resentment was the separation of the sexes; and huge audiences were lashed to madness by stories of the agonised parting of aged couples on the threshold of the workers' prison. The crusade was led by Stephens, who thrilled vast

crowds by his passionate oratory, and exhorted them to demand by force the repeal of the hated law, which was only passed for five years. The good harvests of 1835-6 prevented the full effects of the new law being immediately felt; but the rise in the price of corn which began in 1837 turned dissatisfaction into uproar, and made an explosion inevitable.

Owen, Oastler, and Stephens did not believe in political remedies; but the crowds that they addressed soon passed beyond their instructors. In 1836 a working man's association was founded in London by James Robert Black, an American friend of Place and an enthusiast for popular education. The secretary was Lovett; and Hetherington, Cleave, Watson, and Vincent were amongst the members. The society quickly passed out of its purely educational stage, and drew up articles declaring its independence of whigs and tories, and urging working men to combine for securing equal political rights. The association grew rapidly, and in February, 1837, held a meeting at the Crown and Anchor, to organise a petition to parliament for universal suffrage, annual parliaments, equal electoral districts, removal of property qualification, the ballot and payment of members. These were the famous six points; and a further meeting was held in June to form an association to secure them. The demands of the charter, as O'Connell named it, had been the commonplaces of reformers for two generations and several of them were supported by the "philosophical radicals" in parliament. Branches of the Association were founded in the provinces; lectures were given by Vincent and Cleave; and manifestoes were issued by Lovett. The movement received a notable impetus from Russell's declaration in the autumn of 1837 that the government regarded the reform bill as final. A few days later Fergus O'Connor began to publish the *Northern Star*, the great chartist organ, at Leeds.

The charter was published in May, 1838. The standard was raised, but a leader was lacking. Lovett and Hetherington had not sufficient prestige to head a national movement; and Fergus O'Connor was hardly known in the south. Attwood, the founder of the Birmingham political union, was hardly a chartist at all; but his failure to convert parliament to his currency proposals led him to support

plans for further reform. He therefore revived the Birmingham union, and suggested a national convention, a national petition, and a national strike if the petition were refused. O'Connor, who had founded an organisation in the north to work for universal franchise in order to repeal the poor law, promised to follow Attwood. Stephens, though caring nothing for the charter, threw in his lot with the movement, but was arrested at the end of 1838. The national convention met in London in February, 1839. The working man's association had given the name and programme, but the movement soon passed out of its control. When violent methods were suggested, the Birmingham delegates, who mostly belonged to the middle class, retired in protest, and the movement became dominated by the so-called "physical force party." The convention felt itself in danger in London, and moved to Birmingham, where a disturbance was caused by the unwise interference of the police; and Lovett and other leaders were imprisoned. A week later the House debated and refused the national petition, which had been introduced by Attwood. The action of parliament led thousands in despair to join the physical force party, and a few bold spirits determined to rise, in the belief that a single victory would again rally the masses to the cause. It was arranged that the town of Newport, where Frost, a chartist leader, resided, should be seized one day in November; but the plot was betrayed, the converging parties failed to meet, and an attack on a hotel commanding the road was beaten off with loss. The rebels dispersed; Frost and his colleagues were convicted of treason; the national convention was dissolved, and the first chapter of the chartist movement came to an end.

The complete failure of chartism was primarily due to disunion and lack of definiteness. In the absence of a controlling mind, its leaders were not agreed as to whether it should be a strictly constitutional movement or whether it should rely on force. Nor was there any clear notion what should be done after the charter had been yielded except to repeal the new poor law and to establish a ten hours' day. It was widely imagined that chartism was a socialist movement; and many were convinced that it stood for an attack on property and the repudiation of the national debt.

Such a belief was entirely erroneous. Though thousands of chartists had at one time or other been under the influence of Owen, Owenism and chartism were radically different. Owen was no democrat, and he believed that his reforms could be obtained without any serious political changes. In the next place, though there were doubtless advocates of violent expropriation and repudiation in the chartist ranks, such proposals found no support with the leaders. The error arose chiefly through a misconception of the views of Bron-terre O'Brien; the thinker, or, as O'Connor called him, the schoolmaster of the movement. O'Brien believed that most of the evils of the workers arose from the private ownership of land, and adopted the principle of nationalisation from the followers of Thomas Spence, but he was in favour of a fair and peaceful transfer. Again, he proposed, not the repudiation of the national debt, but the repayment of the capital. Moreover, these views formed no part of the official programme; and nationalisation was expressly condemned by O'Connor, who favoured a rival scheme of small financiers. The final cause of the downfall of chartism was the attitude of its leaders towards the corn laws. Their abolition had been demanded as frequently and almost as violently at the mass meetings as that of the poor law; but, when the league began its work, the chartists held aloof. They suspected it as a middle-class movement, all the more since its leaders had supported the poor law and were the avowed opponents of factory legislation. They believed too that the success of the league would serve to increase the power of the employers and capitalists, and strengthen industry at the expense of agriculture. But, though the attitude of the chartist leaders is intelligible, it was fatal to the continuance and extension of their influence. Progress follows the line of least resistance; and it was a true instinct that led men to support the demand for cheap food rather than to await the uncertain bounties of a completely democratised state.

*Cambridge Modern History.*

## RIGHTS AND MIGHTS

It is not what a man outwardly has or wants that constitutes the happiness or misery of him. Nakedness, hunger, distress of all kinds, death itself have been cheerfully suffered, when the heart was right. It is the feeling of *injustice* that is insupportable to all men. The brutalest black African cannot bear that he should be used unjustly. No man can bear it, or ought to bear it. A deeper law than any parchment-law whatsoever, a law written direct by the hand of God in the inmost being of man, incessantly protests against it. What is injustice? Another name for *disorder*, for unverity, unreality; a thing which veracious created Nature, even because it is not Chaos and a waste-whirling baseless Phantasm, rejects and disowns. It is not the outward pain of injustice; that, were it even the flaying of the back with knotted scourges, the severing of the head with guillotines, is comparatively a small matter. The real smart is the soul's pain and stigma, the hurt inflicted on the moral self. The rudest clown must draw himself up into attitude of battle, and resistance to the death, if such be offered him. He cannot live under it; his own soul aloud, and all the Universe with silent continual beckonings, says, It cannot be. He must revenge himself; *revancher* himself, make himself good again,—that so *meum* may be mine, *tuum* thine, and each party standing clear on his own basis, order be restored. There is something infinitely respectable in this, and we may say universally respected; it is the common stamp of manhood vindicating itself in all of us, the basis of whatever is worthy in all of us, and through superficial diversities, the same in all.

As *disorder*, insane by the nature of it, is the hatefulest of things to man, who lives by sanity and order, so injustice is the worst evil, some call it the only evil, in this world. All men submit to toil, to disappointment, to unhappiness; it is their lot here; but in all hearts inextinguishable by sceptic logic, by sorrow, perversion or despair itself, there is a small still voice intimating that it is not the final lot; that wild, waste, incoherent as it looks, a God presides over it; that

it is not an injustice, but a justice. Force itself, the hopelessness of resistance, has doubtless a composing effect;—against inanimate *Simooms*, and much other infliction of the like sort, we have found it suffice to produce complete composure. Yet one would say, a permanent Injustice even from an Infinite Power would prove unendurable by men. If men had lost belief in a God, their only resource against a blind No-God, of Necessity and Mechanism, that held them like a hideous Phalaris' Bull, imprisoned in its own iron belly, would be, with or without hope,—*revolt*. They could, as Novalis says, by a “ simultaneous universal act of suicide,” *depart* out of the World-Steamengine; and end, if not in victory, yet in invincibility, and unsubduable protest that such World-Steamengine was a failure and a stupidity.

Conquest, indeed, is a fact often witnessed; conquest, which seems mere wrong and force, everywhere asserts itself as a right among men. Yet if we examine, we shall find that, in this world, no conquest could ever become permanent, which did not withal show itself beneficial to the conquered as well as to conquerors. Mithridates King of Pontus, come now to extremity, “ appealed to the patriotism of his people; ” but, says the history, “ he had squeezed them, and fleeced and plundered them for long years ”; his requisitions, flying irregular, devastative, like the whirlwind, were less supportable than Roman strictness and method, regular though never so rigorous: he therefore appealed to their patriotism in vain. The Romans conquered Mithridates. The Romans, having conquered the world, held it conquered, *because* they could best govern the world; the mass of men found it nowise pressing to revolt; their fancy might be afflicted more or less, but in their solid interests they were better off than before.

So too in this England long ago, the old Saxon Nobles, disunited among themselves, and in power too nearly equal, could not have governed the country well; Harold being slain, their last chance of governing it, except in anarchy and civil war, was over: a new class of strong Norman Nobles, entering with a strong man, with a succession of strong men at the head of them, and not disunited, but united by many ties, by their very community of language and interest, had there been no other, *were* in a condition to govern it; and

did govern it, we can believe, in some rather tolerable manner, or they would not have continued there. They acted, little conscious of such function on their part, as an immense volunteer Police Force, stationed everywhere, united, disciplined, feudally regimented, ready for action; strong Teutonic men; who, on the whole, proved effective men, and drilled this wild Teutonic people into unity and peaceable coöperation better than others could have done! How *can-do*, if we will well interpret it, unites itself with *shall-do* among mortals; how strength acts ever as the right-arm of justice; how might and right, so frightfully discrepant at first, are ever in the long-run one and the same,—is a cheering consideration, which always in the black tempestuous vortices of this world's history, will shine out on us, like an everlasting polar star.

Of conquest we may say that it never yet went by brute force and compulsion; conquest of that kind does not endure. Conquest, along with power of compulsion, an essential universally in human society, must bring benefit along with it, or men, of the ordinary strength of men, will fling it out. The strong man, what is he if we will consider? The wise man; the man with the gift of method, of faithfulness and valour, all of which are of the basis of wisdom; who has insight into what is what, into what will follow out of what, the eye to see and the hand to do; who is *fit* to administer, to direct, and guidingly command: he is the strong man. His muscles and bones are no stronger than ours; but his soul is stronger, his soul is wiser, clearer,—is better and nobler, for that is, has been and ever will be the root of all clearness worthy of such a name. Beautiful it is, and a gleam from the same eternal pole-star visible amid the destinies of men, that all talent, all intellect is in the first place mortal;—what a world were this otherwise! But it is the heart always that sees, before the head *can* see: let us know that; and know therefore that the Good alone is deathless and victorious, that Hope is sure and steadfast, in all phases of this "Place of Hope."—Shiftiness, quirk, attorney-cunning is a kind of thing that fancies itself, and is often fancied, to be talent; but it is luckily mistaken in that. Succeed truly it does, what is called succeeding; and even must in general succeed, if the dispensers of success

be of due stupidity: men of due stupidity will needs say to it, "*Thou art wisdom, rule thou!*" Whereupon it rules. But Nature answers, "No, this ruling of thine is not according to *my* laws; thy wisdom was not wise enough. Dost thou take me too for a Quackery? For a Conventionality and Attorneyism? This chaff that thou sowest into my bosom, though it pass at the poll-booth and elsewhere for seed-corn, *I* will not grow wheat out of it, for it is chaff!"

But to return. Injustice, infidelity to truth and fact and Nature's order, being properly the one evil under the sun, and the feeling of injustice the one intolerable pain under the sun, our grand question as to the condition of these working men would be: Is it just? And first of all, What belief have they themselves formed about the justice of it? The words they promulgate are notable by way of answer; their actions are still more notable. Chartism with its pikes, Swing with his tinder-box, speak a most loud though inarticulate language. Glasgow Thuggery speaks aloud too, in a language we may well call infernal. What kind of "wild-justice" must it be in the hearts of these men that prompts them, with cold deliberation, in conclave assembled, to doom their brother workman, as the deserter of his order and his order's cause, to die as a traitor and deserter; and have him executed, since not by any public judge and hangman, then by a private one;—like your old Chivalry *Femgericht*, and Secret-Tribunal, suddenly in this strange guise become new; suddenly rising once more on the astonished eye, dressed now not in mail-shirts but in fustian jackets, meeting not in Westphalian forests but in the paved Gallowgate of Glasgow! Not loyal loving obedience to those placed over them, but a far other temper, must animate these men! It is frightful enough. Such temper must be widespread, virulent among the many, when even in its worst acme it can take such a form in a few. But indeed decay of loyalty in all senses, disobedience, decay of religious faith, has long been noticeable and lamentable in this largest class, as in other smaller ones. Revolt, sullen revengeful humour of revolt against the upper classes, decreasing respect for what their temporal superiors command, decreasing faith for what their spiritual superiors teach, is more and more the universal spirit of the lower classes.



Such spirit may be blamed, may be vindicated; but all men must recognise it as extant there, all may know that it is mournful, that unless altered it will be fatal. Of lower classes so related to upper, happy nations are not made! To whatever other griefs the lower classes labour under, this bitterest and sorest grief now superadds itself: the endurable conviction that they are unfairly dealt with, that their lot in this world is not founded on right, not even on necessity and might, and is neither what it should be, nor what it shall be.

Or why do we ask of Chartism, Glasgow Trades-unions, and such-like? Has not broad Europe heard the question put, and answered, on the great scale; has not a FRENCH REVOLUTION been? Since the year 1789, there is now half a century complete; and a French Revolution not yet complete! Whosoever will look at that enormous Phenomenon may find many meanings in it, but this meaning as the ground of all: That it was a revolt of the oppressed lower classes against the oppressing or neglecting upper classes: not a French revolt only; no, a European one; full of stern monition to all countries of Europe. These Chartisms, Radicalisms, Reform Bill, Tithe Bill, and infinite other discrepancy, and acrid argument and jargon that there is yet to be, are *our* French Revolution: God grant that we, with our better methods, may be able to transact it by argument alone!

The French Revolution, now that we have sufficiently execrated its horrors and crimes, is found to have had withal a great meaning in it. As indeed, what great thing ever happened in this world, a world understood always to be made and governed by a Providence and Wisdom, not by an Unwisdom, without meaning somewhat? It was a tolerably audible voice of proclamation, and universal *oyez!* to all people, this of three-and-twenty years' close fighting, sieging, conflagrating, with a million or two of men shot dead: the world ought to know by this time that it was verily meant in earnest, that same Phenomenon, and had its own reasons for appearing there! Which accordingly the world begins now to do. The French Revolution is seen, or begins everywhere to be seen, "as the crowning phenomenon of our Modern time"; "the inevitable stern end of much; the

fearful, but also wonderful, indispensable and sternly beneficent beginning of much." He who would understand the struggling convulsive unrest of European society, in any and every country, at this day, may read it in broad glaring lines there, in that the most convulsive phenomenon of the last thousand years. Europe lay pining, obstructed, moribund; quack-ridden, hag-ridden,—is there a hag, or spectre of the Pit, so baleful, hideous as your accredited quack, were he never so close-shaven, mild-spoken, plausible to himself and others? Quack-ridden: in that one word lies all misery whatsoever. Speciosity in all departments usurps the place of reality, thrusts reality away; instead of performance, there is appearance of performance. The quack is a Falsehood Incarnate; and speaks, and makes and does mere falsehoods, which Nature with her veracity has to disown. As chief priest, as chief governor, he stands there, intrusted with much. The husbandman of "Time's Seed-field"; he is the world's hired sower, hired and solemnly appointed to sow the kind true earth with wheat this year, that next year all men may have bread. He, miserable mortal, deceiving and self-deceiving, sows it, as we said, not with corn but with chaff; the world nothing doubting, harrows it in, pays him his wages, dismisses him with blessing, and—next year there has no corn sprung. Nature has disowned the chaff, declined growing chaff, and behold now there is no bread! It becomes necessary, in such case, to do several things; not soft things some of them, but hard.

Nay we will add that the very circumstance of quacks in unusual quantity getting domination, indicates that the heart of the world is *already* wrong. The impostor is false; but neither are his dupes altogether true: is not his first grand dupe the falsest of all,—himself namely? Sincere men, of never so limited intellect, have an instinct for discriminating sincerity. The cunningest Mephistopheles cannot deceive a simple Margaret of honest heart, "it stands written on his brow." Masses of people capable of being led away by quacks are themselves of partially untrue spirit. Alas, in such times it grows to be the universal belief, sole accredited knowingness, and the contrary of it accounted puerile enthusiasm, this sorrowfulest *disbelief* that there is properly speaking any truth in the world; that the world was, has

been or ever can be guided, except by simulation, dissimulation, and the sufficiently dextrous practice of pretence. The faith of men is dead: in what has guineas in its pocket, beefeaters riding behind it, and cannons trundling before it, they can believe; in what has none of these things they cannot believe. Sense for the true and false is lost; there is properly no longer any true or false. It is the heyday of Imposture; of Semblance recognising itself, and getting itself recognised, for Substance. Gaping multitudes listen; unlistening multitudes see not but that it is all right, and in the order of Nature. Earnest men, one of a million, shut their lips; suppressing thoughts, which there are no words to utter. To them it is too visible that spiritual life has departed; that material life, in whatsoever figure of it, cannot long remain behind. To them it seems as if our Europe of the Eighteenth Century, long hag-ridden, vexed with foul enchanters, to the length now of gorgeous Domdaniel *Parcs-aux-cerfs* and "Peasants living on meal-husks and boiled grass," had verily sunk down to die and dissolve; and were now, with its French Philosophisms, Hume Scepticisms, Diderot Atheisms, maundering in the final deliriation; writhing, with its Seven-years Silesian robber-wars, in the final agony. Glory to God, our Europe was not to die but to live! Our Europe rose like a frenzied giant; shook all that poisonous magician trumpery to right and left, trampling it stormfully under foot; and declared aloud that there was strength in him, not for life only, but for new and infinitely wider life. Antæus-like the giant had struck his foot once more upon Reality and the Earth; there only, if in this Universe at all, lay strength and healing for him. Heaven knows, it was not a gentle process; no wonder that it was a fearful process, this same "Phoenix fire-consummation!" But the alternative was it or death; the merciful Heavens, merciful in their severity, sent us it rather.

And so the "rights of man" were to be written down on paper; and experimentally wrought upon towards elaboration, in huge battle and wrestle, element conflicting with element, from side to side of this earth, for three-and-twenty years. Rights of man, wrongs of man? It is a question which has swallowed whole nations and generations; a question—on which we will not enter here. Far be it from

us! Logic has small business with this question at present; logic has no plummet that will sound it at any time. But indeed the rights of man, as has been not unaptly remarked, are little worth ascertaining in comparison to the *mights* of man,—to what portion of his rights he has any chance of being able to make good! The accurate final rights of man lie in the far deeps of the Ideal, where “the Ideal weds itself to the Possible,” as the Philosophers say. The ascertainable temporary rights of man vary not a little, according to place and time. They are known to depend much on what a man’s convictions of them are. The Highland wife, with her husband at the foot of the gallows, patted him on the shoulder (if there be historical truth in Joseph Miller), and said amid her tears: “Go up, Donald, my man; the Laird bids ye.” To her it seemed the rights of lairds were great, the rights of men small; and she acquiesced. Deputy Lapoule, in the *Salle des Menus* at Versailles, on the 4th of August, 1789, demanded (he did actually “demand,” and by unanimous vote obtain) that the “obsolete law” authorising a Seigneur, on his return from the chase or other needful fatigue, to slaughter not above two of his vassals, and refresh his feet in their warm blood and bowels, should be “abrogated.” From such an obsolete law, or mad tradition and phantasm of an obsolete law, down to any corn-law, game-law, rotten-borough law, or other law or practice clamoured of in this time of ours, the distance travelled over is great!

What are the rights of men? All men are justified in demanding and searching for their rights; moreover, justified or not, they will do it: by Chartisms, Radicalisms, French Revolutions, or whatsoever methods they have. Rights surely are right: on the other hand, this other saying is most true, “Use every man according to his *rights*, and who shall escape whipping?” These two things, we say, are both true; and both are essential to make up the whole truth. All good men know always and feel, each for himself, that the one is not less true than the other; and act accordingly. The contradiction is of the surface only; as in opposite sides of the same fact: universal in this *dualism* of a life we have. Between these two extremes, Society and all human things must fluctuatingly adjust themselves the best they can.

And yet that there is verily a “rights of man” let no

mortal doubt. An ideal of right does dwell in all men, in all arrangements, pactions and procedures of men: it is to this ideal of right, more and more developing itself as it is more and more approximated to, that human Society forever tends and struggles. We say also that any given thing either *is* unjust or else just; however obscure the arguings and strugglings on it be, the thing in itself there as it lies, infallibly enough, *is* the one or the other. To which let us add only this, the first, last article of faith, the alpha and omega of all faith among men, That nothing which is unjust can hope to continue in this world. A faith true in all times, more or less forgotten in most, but altogether frightfully brought to remembrance again in ours! Lyons fusilladings, Nantes noyadings, reigns of terror, and such other universal battle-thunder and explosion; these, if we will understand them, were but a new irrefragable preaching abroad of that. It would appear that Speciosities which are not Realities cannot any longer inhabit this world. It would appear that the unjust thing has no friend in the Heaven, and a majority against it on the Earth; nay that *it* has at bottom all men for its enemies; that it may take shelter in this fallacy and then in that, but will be hunted from fallacy to fallacy till it find no fallacy to shelter-in any more, but must march and go elsewhere;—that, in a word, it ought to prepare incessantly for decent departure, before *indecent* departure, ignominious drumming out, nay savage smiting out and burning out, overtake it!

Alas, was that such new tidings? Is it not from of old indubitable, that Untruth, Injustice which is but acted untruth, has no power to continue in this true Universe of ours? The tidings was world-old, or older, as old as the Fall of Lucifer: and yet in that epoch unhappily it was new tidings, unexpected, incredible; and there had to be such earthquakes and shakings of the nations before it could be listened to, and laid to heart even slightly! Let us lay it to heart, let us know it well, that new shakings be not needed. Known and laid to heart it must everywhere be, before peace can pretend to come. This seems to us the secret of our convulsed era; this which is so easily written, which is and has been and will be so hard to bring to pass. All true men, high and low, each in his sphere, are consciously or

unconsciously bringing it to pass; all false and half-true men are fruitlessly spending themselves to hinder it from coming to pass.

THOMAS CARLYLE.

### THE CHARTIST PETITION OF 1838

To the Honourable the Commons of Great Britain and Ireland, in parliament assembled, the petition of the undersigned, their suffering countrymen:

HUMBLY SHOWETH,—

That we, your petitioners, dwell in a land whose merchants are noted for their enterprise, whose manufacturers are very skilful, and whose workmen are proverbial for their industry. The land itself is goodly, the soil rich, and the temperature wholesome. It is abundantly furnished with the materials of commerce and trade. It has numerous and convenient harbours. In facility of internal communication it exceeds all others. For three and twenty years we have enjoyed a profound peace. Yet, with all the elements of national prosperity, and with every disposition and capacity to take advantage of them, we find ourselves with public and private suffering. We are bowed down under a load of taxes, which, notwithstanding, fall greatly short of the wants of our rulers. Our traders are trembling on the verge of bankruptcy; our workmen are starving. Capital brings no profit, and labour no remuneration. The home of the artificer is desolate, and the warehouse of the pawnbroker is full. The workhouse is crowded, and the manufactory is deserted. We have looked on every side; we have searched diligently in order to find out the causes of distress so sore and so long continued. We can discover none in nature or in Providence. Heaven has dealt graciously by the people, nor have the people abused its grace, but the foolishness of our rulers has made the goodness of our God of none effect. The energies of a mighty kingdom have been wasted in building up the power of selfish and ignorant men, and its resources

squandered for their aggrandisement. The good of a part has been advanced at the sacrifice of the good of the nation. The few have governed for the interest of the few, while the interests of the many have been sottishly neglected, or insolently and tyrannously trampled upon. It was the fond expectation of the friends of the people that a remedy for the greater part, if not for the whole of their grievances, would be found in the Reform Act of 1832. They regarded that act as a wise means to a worthy end, as the machinery of an improved legislation, where the will of the masses would be at length potential. They have been bitterly and basely deceived. The fruit which looked so fair to the eye, has turned to dust and ashes when gathered. The Reform Act effected a transfer of power from one domineering faction to another, and left the people as helpless as before. Our slavery has been exchanged for an apprenticeship of liberty, which has aggravated the painful feelings of our social degradation, by adding to them the sickening of still deferred hope. We come before your honourable house to tell you, with all humility, that this state of things must not be permitted to continue. That it cannot long continue, without very seriously endangering the stability of the throne, and the peace of the kingdom, and that if, by God's help, and all lawful and constitutional appliances, an end can be put to it, we are fully resolved that it shall speedily come to an end. We tell your honourable house, that the capital of the master must no longer be deprived of its due profit; that the labour of the workman must no longer be deprived of its due reward. That the laws which make food dear, and the laws which make money scarce, must be abolished. That taxation must be made to fall on property, not on industry. That the good of the many, as it is the only legitimate end, so must it be the sole study of the government. As a preliminary essential to these and other requisite changes—as the means by which alone the interests of the people can be effectually vindicated and secured, we demand that those interests be confided to the keeping of the people. When the state calls for defenders, when it calls for money, no consideration of poverty or ignorance can be pleaded in refusal or delay of the call. Required, as we are universally, to support and obey the laws, nature and reason entitle us

to demand that in the making of the laws the universal voice shall be implicitly listened to. We perform the duties of freemen; we must have the privileges of freemen. Therefore, we demand universal suffrage. The suffrage, to be exempt from the corruption of the wealthy and the violence of the powerful, must be secret. The assertion of our right necessarily involves the power of our uncontrolled exercise. We ask for the reality of a good, not for its semblance, therefore we demand the ballot. The connection between the representatives and the people, to be beneficial, must be intimate. The legislative and constituent powers, for correction and for instruction, ought to be brought into frequent contact. Errors which are comparatively light, when susceptible of a speedy popular remedy, may produce the most disastrous effects when permitted to grow inveterate through years of compulsory endurance. To public safety, as well as public confidence, frequent elections are essential. Therefore, we demand annual parliaments. With power to choose, and freedom in choosing, the range of our choice must be unrestricted. We are compelled, by the existing laws, to take for our representatives men who are incapable of appreciating our difficulties, or have little sympathy with them; merchants who have retired from trade and no longer feel its harassings; proprietors of land who are alike ignorant of its evils and its cure; lawyers by whom the notoriety of the senate is courted only as a means of obtaining notice in the courts. The labours of a representative who is sedulous in the discharge of his duty are numerous and burdensome. It is neither just, nor reasonable, nor safe, that they should continue to be gratuitously rendered. We demand that in the future election of members of your honourable house, the approbation of the constituency shall be the sole qualification, and that to every representative so chosen, shall be assigned out of the public taxes, a fair and adequate remuneration for the time which he is called upon to devote to the public service. The management of this mighty kingdom has hitherto been a subject for contending factions to try their selfish experiments upon. We have felt the consequences in our sorrowful experience. Short glimmerings of uncertain enjoyment, swallowed up by long and dark seasons of



suffering. If the self-government of the people should not remove their distresses, it will, at least, remove their repinings. Universal suffrage will, and it only can, bring true and lasting peace to the nation; we firmly believe that it will also bring prosperity. May it therefore please your honourable house, to take this our petition into your most serious consideration, and to use your utmost endeavours, by all constitutional means, to have a law passed, granting to every male of lawful age, sane mind, and unconvicted of crime, the right of voting for members of parliament to be in the way of secret ballot, and ordaining that the duration of parliament, so chosen, shall in no case exceed one year, and abolishing all property qualifications in the members, and providing for their due remuneration while in attendance on their parliamentary duties.

And your petitioners shall ever pray.

G. C. LEE.

## LETTER TO THE "SUN "

(1838)

SIR,

I have been at the siege of Bolton—for nothing but some such cause suggests itself as adequate to the phenomenon. And is it not a siege? Not carried on perhaps by any enemy within gun-shot, but by one working on a wider radius, and making his blockade by sea upon the means of life.

Many sights it has been my chance to see. I think I know what is the minimum of help by which horse, ass, dog, hog, or monkey, can sustain existence, and when it must go out for want of appliances and means of living. But anything like the squalid misery, the slow, mouldering putrefying death, by which the weak and the feeble of the working classes are perishing here, it never befel my eyes to behold, nor my imagination to conceive. And the creatures seem to have no idea of resisting or even repining. They sit down with oriental submission, as if it was God, and not the landlord, that was laying hand upon them. And when their honourable representative in parliament gave a description

of their sufferings, "liar" was the best word applied to him by the organs of tyranny.

Did you ever set your eyes on a pennyworth of mutton? Come here, and you shall see how rations are served out under the landlord's state of siege. It might bait a rat-trap; though a well-fed rat would hardly risk his personalities for such a pittance. Pennyworths of mutton, and halfpennyworths of bread cut off the loaf, are what the shopkeepers of Bolton deal out to the inhabitants of their Jerusalem. I saw a woman come for one halfpenny-worth of bread which was to be the dinner of herself and her children twain; and when I reflected that of this transparent slice the other half was gone to buy the landlord's sack, astonishment possessed me at the endurance of that long-bearing ass the public, and the extent to which ignorance and divisions will help the rich man's robbery.

I saw another mother of a family, who said she had not tasted meat for many months; and on one of the children being sent off to the butcher's for some of the strange luxury, she was discovered making many efforts to intercept the messenger. Her anxiety was to instruct the boy to bring back nothing but one pennyworth of bacon; there was a to-morrow, and to-morrow, and to-morrow, for which she had conceived the idea of spinning out existence by means of the remainder of the funds.

If you are curious in human misery, if you are anxious to know what a shabby tyranny can bring the rank and file to suffer, come, at your leisure, to the "leaguer" of Bolton, and see what the people sleep upon, if they do sleep. Chopped dirt, the sweepings of a henhouse, mingled with a portion of sparrows' nests, to show that men had heard of straw, would be the best representatives of what they huddle upon in corners, and call it resting. And all this because Sir Having Greedy votes in the House of Commons for closing honest trade, as the means of doubling it by confiscation of the poor man's bread.

There is danger in their schemes. Already people of all kinds are parodying the sentiment of the Italians—" *Ad ogni uomo puzza questo barbaro dominio!*" which may be translated for English use, "Neither man nor woman will endure this dynasty of clodhoppers." It wants nothing but

a private in the regiment to tell what hurts them, and how to get rid (as they are doing fast) of the various false lights thrown out to induce them to run in every direction that will preserve the evil. So a quicker end than is pleasant may be put to mischief, which nobody would remove by an earlier application of the prudential virtues.

RICHARD COBDEN.

## THE RIGHT TO POLITICAL POWER

WE know how constantly in America, which is something like a nation of metropolitan constituencies, the taste and temper of the electors excludes the more accomplished and leisured classes from the legislature, and how vulgar a stamp the taste and temper of those elected impresses on the proceedings of its legislature and the conduct of its administration: men of refinement shrink from the House of Representatives as from a parish vestry. In England, though we feel this in some measure, we feel it much less; other parts of our electoral system now afford a refuge to that refined cultivation which is hateful to and hates the grosser opinion of the small shopkeepers in cities. Our higher classes still desire to rule the nation; and so long as this is the case, the inherent tendencies of human nature secure them the advantage. Manner and bearing have an influence on the poor; the nameless charm of refinement tells; personal confidence is almost everywhere more easily accorded to one of the higher classes than to one of the lower classes: from this circumstance, there is an inherent tendency in any electoral system which does not vulgarise the government to protect the rich and to represent the rich. Though by the letter of the law a man lives in a house assessed at £10 has an equal influence on the constitution of the legislature with a man whose house is assessed at £100, yet in truth the richer man has the security that the members of parliament, and especially the foremost members of parliament, are much more likely to be taken from this class than from a poorer class.

We may therefore conclude that there is not any ground for altering the electoral system established by the Reform Act of 1832 on account of its not providing for the due representation of the more cultivated classes,—indirectly it does so; but we must narrowly watch any changes in that system which are proposed to us, with the view of seeing whether their operation might not have a tendency to impair the subtle working of this indirect machinery. We must bear in mind that the practical disfranchisement of the best classes is the ascertained result of giving an equal weight to high and low in constituencies like the metropolitan.

These considerations do not affect our previous conclusion as to the lower orders. We ascertained that however perfectly the House of Commons under the present system of election may coincide in judgment with the fairly educated classes of the country, and however competent it may on that account be to perform the ruling function of a popular legislature, it is nevertheless defective in its provision for the performance of the *expressive* functions of such a legislature; because it provides no organ for informing parliament and the country of the sentiments and opinions of the working—and especially of the artisan—classes.

Another deficiency in the system of representation now existing is of a different nature. It is not only desirable that a popular legislature should be fitted to the discharge of its duties, but also that it should be elected by a process which occasions no unnecessary moral evils. A theorist would be inclined to advance a step farther: he would require that a popular assembly should be elected in the mode which would diffuse the instruction given by the habitual possession of the franchise among the greatest number of competent persons, and which would deny it to the greatest number of unfit persons. But every reasonable theorist would hasten to add that the end must never be sacrificed to the means. The mode of election which is selected must be one which will bring together an assembly of members fitted to discharge the functions of parliament: *among* those modes of election this theoretical principle prescribes the rule of choice; but we must not under its guidance attempt to travel beyond the circle of those modes. A practical statesman will be very cautious how he destroys a machinery which attains

its essential object, for the sake of an incidental benefit which might be expected from a different machinery: if we have a good legislature, he will say, let us not endanger its goodness for the sake of a possible diffusion of popular education. All sensible men would require that the advocates of such a measure should show beyond all reasonable doubt that the extension of the suffrage, which they recommend on this secondary ground, should not impair the attainment of the primary end for which *all* suffrage was devised. At the present moment, there certainly are many persons of substantial property and good education who do not possess the franchise, and to whom it would be desirable to give it if they could be distinguished from others who are not so competent; a man of the highest education, who does not reside in a borough, may have large property in the funds, in railway shares, or any similar investment, but he will have no vote unless his house is rated above £50: but as we have said, we must not, from a theoretical desire to include such persons in our list of electors, run a risk of admitting also any large number of persons who would be unfit to vote, and thereby impairing the practical utility of parliament. No such hesitation should, however, hold us back when peculiar moral evils can be proved to arise from a particular mode of election. If that be so, we ought on the instant to make the most anxious search for some other mode of election not liable to the same objection. We ought to run some risk: if another mode of election can be suggested, apparently equal in efficiency, which would not produce the same evils, we should adopt it at once in place of the other. We must act on the spirit of faith that what is morally wrong cannot be politically right.

This objection applies in the strongest manner to one portion of our electoral system; namely, the smaller borough constituencies. We there intrust the franchise to a class of persons few enough to be bought, and not respectable enough to refuse to be bought. The disgraceful exposures of some of these boroughs before election committees make it probable that the same abuses exist in others. Doubtless, too, we do not know the worst; the worst constituencies are slow to petition, because the local agents of both parties are aware of what would come to light, and fear the consequent

penalties: enough, however, is in evidence for us to act upon. Some of these small boroughs are dependent on some great nobleman or man of fortune, and this state is perhaps preferable to their preserving a vicious independence; but even this state is liable to very many objections. It is most advantageous that the nominal electors should be the real electors. Legal fictions have a place in courts of law; it is sometimes better or more possible to strain venerable maxims beyond their natural meaning than to limit them by special enactment: but legal fictions are very dangerous in the midst of popular institutions, and a genuine moral excitement. We speak day by day of "shams," and the name will be forever applied to modes of election which pretend to intrust the exclusive choice to those who are known by everybody never to choose. The Reform Act of 1832 was distinctly founded on the principle that all modes of election should be *real*.

We arrive, therefore, at the result that the system of 1832 is defective because it established, or rather permitted to continue, moral evils which it is our duty to remove if by possibility they can be removed. However, in that removal we must be careful to watch exactly what we are doing. It has been shown that the letter of the Reform Act makes no provision for the special representation of wealth and cultivation; the representation which they have is attained by *indirect* means. The purchasable boroughs are undoubtedly favourable to wealth, the hereditary boroughs to men of hereditary cultivation; and we should be careful not to impair unnecessarily the influence of these elements by any alteration we may resolve upon.

We can now decide on the result which we should try to attain in a new Reform Bill. If we could obtain a House of Commons that should be well elected, that should contain true and adequate exponents of all class interests, that should coincide in opinion with the fair intelligence of the country, we should have all which we ought to desire. We have satisfied ourselves that we do not possess all these advantages now: we have seen that a part of our system of election is grossly defective; that our House of Commons contains no adequate exponents of the views of the working classes; that though its judgment has as yet fairly coincided with

public opinion, yet that its constitution gives a dangerous preponderance to the landed interest and is likely to fail us hereafter unless an additional influence be given to the more growing and energetic classes of society.

We should think it more agreeable (and perhaps it would be so to most of our readers) if we were able at once to proceed to discuss the practical plan by which these objects might be effected; but in deference to a party which has some zealous adherents, and to principles which in an indistinct shape are widely diffused, we must devote a few remarks to the consideration of the ultra-democratic theory: and as we have to do so, it will be convenient to discuss in connection with it one or two of the schemes which the opponents of that theory have proposed for testing political intelligence.

As is well known, the democratic theory requires that parliamentary representation should be proportioned to mere numbers. This is not, indeed, the proposition which is at this moment put forward. The most important section of democratic reformers now advocate a rate-paying or household franchise; but this is either avowedly as a step to something farther, or because from considerations of convenience it is considered better to give the franchise only to those whose residences can be identified. But it is easy to show that the rate-paying franchise is almost equally liable with the manhood suffrage to a most important objection; that objection, of course, is, that the adoption of the scheme would give entire superiority to the lower part of the community. Nothing is easier to show that a rate-paying franchise would have that effect. In England and Wales:

The number of houses assessed at £10 and above is . . . . .	
computed to be . . . . .	990,000
The number of houses assessed as £6 and under £10 . . . . .	572,000
The number of houses assessed at under £6 . . . . .	1,713,000
	<hr/>
	3,275,000

More than half the persons who would be admitted by the rate-paying franchise are therefore of a very low order, living in houses under £6 rent, and two-thirds are below £10, the lowest qualification admitted by the present law. It therefore seems quite certain that the effect of the proposed

innovation must be very favourable to ignorance and poverty, and very unfavourable to cultivation and intelligence.

There used to be much argument in favour of the democratic theory on the ground of its supposed conformity with the abstract rights of man; this has passed away, but we cannot say that the reasons by which it has been replaced are more distinct,—we think that they are less distinct. We can understand that an enthusiast should maintain on fancied grounds of immutable morality, or from an imaginary conformity with a supernatural decree, that the ignorant should govern the instructed; but we do not comprehend how anyone can maintain the proposition on grounds of expediency. We might believe it was right to submit to the results of such a policy; but those results, it would seem, must be beyond controversy pernicious. The arguments from expediency which are supposed to establish the proposition are never set forth very clearly, and we do not think them worth confuting; we are indeed disposed to believe, in spite of much direct assertion to the contrary, that the democratic theory still rests not so much on reason as on a kind of sentiment,—on an obscure conception of abstract rights. The animation of its advocates is an indication of it; they think they are contending for the “rights” of the people, and they endeavour to induce the people to believe so too. We hold this opinion the more strongly, because we believe that there *is* such a thing, after all, as abstract right in political organisations. We find it impossible to believe that all the struggles of men for liberty, all the enthusiasm it has called forth, all the passionate emotions it has caused in the very highest minds, all the glow of thought and rustle of obscure feeling which the very name excites in the whole mass of men, have their origin in calculations of advantage and a belief that such and such arrangements would be beneficial. The masses of men are very difficult to excite on bare ground of self-interest; most easy, if a bold orator tells them confidently they are *wronged*. The foundation of government upon simple utility is but the fiction of philosophers; it has never been acceptable to the natural feelings of mankind: there is far greater truth in the formula of the French writers that “le droit dérive de la capacité.” Some sort of feeling akin to this lurks, we believe,



in the minds of our reformers: they think they can show that some classes now unenfranchised are as capable of properly exercising the franchise as some who have possessed it formerly or some who have it now. The £5 householder of to-day is, they tell us, in education and standing but what the £10 householder was in 1832. The opponents of the theory are pressed with the argument that every fit person should have the franchise, and that many who are excluded are as fit as some who exercise it and from whom no one proposes to take it away.

The answer to the argument is plain. Fitness to govern—for that is the real meaning of exercising the franchise which elects a *ruling* assembly—is not an absolute quality of any individual; that fitness is relative and comparative,—it must depend on the community to be governed and on the merits of other persons who may be capable of governing that community. A savage chief may be capable of governing a savage tribe; he may have the right of governing it, for he may be the sole person capable of so doing: but he would have no right to govern England. We must look likewise to the competitors for the sovereignty. Whatever may be your capacity for rule, you have no right to obtain the opportunity of exercising it by dethroning a person who is *more* capable: you are wronging the community if you do, for you are depriving it of a better government than that which you can give to it; you are wronging also the ruler you supersede, for you are depriving him of the appropriate exercise for his faculties; two wrongs are thus committed from a fancied idea that abstract capacity gives a right to rule, irrespective of comparative relations. The true principle is, that every person has a right to *so much political power as he can exercise without impeding any other person who would more fitly exercise such power*. If we apply this to the lower orders of society, we see the reason why, notwithstanding their numbers, they must always be subject—always at least be comparatively uninfluential: whatever their capacity may be, it must be less than that of the higher classes, whose occupations are more instructive and whose education is more prolonged. Any such measure for enfranchising the lower orders as would overpower and consequently disenfranchise the higher should be resisted on the ground of

“abstract right”: you are proposing to take power from those who have the superior capacity, and to vest it in those who have but an inferior capacity, or in many cases no capacity at all. If we probe the subject to the bottom, we shall find that justice is on the side of a graduated rule, in which all persons should have an influence proportioned to their political capacity: and it is at this graduation that the true maxims of representative government really aim; they wish that the fairly intelligent persons, who create public opinion (as we call it) in society, should rule in the state, which is the authorised means of carrying that opinion into action. This is the body which has the greater right to rule; this is the *felt intelligence* of the nation, “la légitime aristocratie, celle qu’acceptent librement les masses, sur qui elle doit exercer son pouvoir.”

It is impossible to deny that this authority, in matters of political opinion, belongs by right, and is felt to belong in fact, to the higher orders of society rather than to the lower. The advantages of leisure, of education, of more instructive pursuits, of more instructive society, must and do produce an effect. A writer of very democratic leanings has observed that:

There is an unconquerable and to a certain extent . . . a beneficial proneness in man to rely on the judgment and authority of those who are elevated above himself in rank and riches. From the irresistible associations of the human mind, a feeling of respect and deference is entertained for a superior in station which enhances and exalts all his good qualities, gives more grace to his movements, more force to his expressions, more beauty to his thoughts, more wisdom to his opinions, more weight to his judgment, more excellence to his virtues . . . Hence the elevated men of society will always maintain an ascendancy, which, without any direct exertion of influence, will affect the result of popular elections; and when to this are added the capabilities which they possess, or ought to possess, from their superior intelligence, of impressing their own opinions on other classes, it will be seen that if any sort of control were justifiable, it would be superfluous for any good purpose.

There are individual exceptions, but in questions of this magnitude we must speak broadly: and we may say that political intelligence will in general exist rather in the educated classes than in the less educated, rather in the rich than the poor; and not only that it will exist, but that it will

in the absence of misleading feelings be *felt* by both parties to exist.

We have quoted the above passage for more reasons than one. It not only gives an appropriate description of the popular association of superiority in judgment with superiority in station, but it draws from the fact of that association an inference which would be very important if it were correct. It says in substance that as the higher orders are felt by the lower to be more capable of governing, they will be chosen by the lower if the latter are left free to choose; that therefore no matter how democratic the government—in fact, the more democratic the government the surer are the upper orders to lead. But experience shows that this is an error. If the acquisition of power is left to the unconscious working of the natural influences of society, the rich and the cultivated will certainly acquire it; they obtain it insensibly, gradually, and without the poorer orders knowing that they are obtaining it: but the result is different when, by the operation of a purely democratic constitution, the selection of rulers is submitted to the direct vote of the populace. The lower orders are then told that they are perfectly able to judge; demagogues assert it to them without ceasing; the constitution itself is appealed to as an incontrovertible witness to the fact,—as it has placed the supreme power in the hands of the lower and more numerous classes, it would be contravening it to suppose that the real superiority was in the higher and fewer. Moreover, when men are expressly asked to acknowledge their superiors, they are by no means always inclined to do so; they do not object to yield a mute observance, but they refuse a definite act of homage; they will obey, but they will not *say* that they will obey. In consequence, history teaches that under a democratic government, those who speak the feelings of the majority themselves have a greater chance of being chosen to rule than any of the higher orders, who under another form of government would be admitted to be the better judges. The natural effect of such a government is to mislead the poor.

WALTER BAGEHOT.

GLADSTONE AS CHANCELLOR OF THE  
EXCHEQUER

IF one can conceive of a heaven-born chancellor of the exchequer, Mr. Gladstone was that celestial product. His first Budget, which was awaited with intense interest, was introduced on April 18, 1853. It tended to make life easier and cheaper for large and numerous classes; it promised wholesale remissions of taxation; it lessened the charges on common processes of business, on locomotion, on postal communication, and on several articles of general consumption. The deficiency thus created was to be met by the application of the legacy-duty to real property, by an increase of the duty on spirits, and by the extension of the income-tax, at 5d. in the pound, to all incomes between £100 and £150.

The speech, five hours long, in which these proposals were introduced, held the House spell-bound. Here was an orator who could apply all the resources of a burnished rhetoric to the elucidation of figures; who could make pippins and cheese interesting, and tea serious; who could sweep the widest horizon of the financial future, and yet stoop to bestow the minutest attention on the microcosm of penny stamps and post-horses. Above all, the chancellor's mode of handling the income-tax attracted interest and admiration. It was no nicely-calculated less or more, no tinkering or top-dressing, no mere experimenting with results, but a searching analysis of the financial and moral grounds on which the impost rested, and an historical justification and eulogy of it couched in language worthy of a more majestic theme. "It was in the crisis of the revolutionary war that, when Mr. Pitt found the resources of taxation were failing under him, his mind fell back upon the conception of the income-tax; and, when he proposed it to parliament, that great man, possessed with his great idea, raised his eloquence to an unusual height and power." Yet, great as had been the services of the income-tax at a time of national danger, and great as they would prove again should such a crisis recur, Mr. Gladstone could not consent to retain

it as a part of the permanent and ordinary finances of the country. It was objectionable on account of its unequal incidence, of the harassing investigation into private affairs which it entailed, and of the frauds to which it inevitably led. Therefore, having served its turn, it was to be extinguished in 1860.

Depend upon it, when you come to close quarters with this subject, when you come to measure and test the respective relations of intelligence and labour and property in all their myriad and complex forms, and when you come to represent those relations in arithmetical results, you are undertaking an operation of which I should say it was beyond the power of man to conduct it with satisfaction, but which, at any rate, is an operation to which you ought not constantly to recur; for if, as my noble friend once said with universal applause, this country could not bear a revolution once a year, I will venture to say that it cannot bear a reconstruction of the income-tax once a year.

Whatever you do in regard to the income-tax, you must be bold, you must be intelligible, you must be decisive. You must not palter with it. If you do, I have striven at least to point out as well as my feeble powers will permit, the almost desecration I would say, certainly the gross breach of duty to your country, of which you will be found guilty, in thus putting to hazard one of the most potent and effective among all its material resources. I believe it to be of vital importance, whether you keep this tax or whether you part with it, that you should either keep it or should leave it in a state in which it will be fit for service on an emergency, and that it will be impossible to do if you break up the basis of your income-tax.

If the Committee have followed me, they will understand that we found ourselves on the principle that the income-tax ought to be marked as a temporary measure; that the public feeling that relief should be given to intelligence and skill as compared with property ought to be met, and may be met with justice and with safety, in the manner we have pointed out; that the income-tax in its operation ought to be mitigated by every rational means, compatible with its integrity; and, above all, that it should be associated in the last term of its existence, as it was in the first, with those remissions of indirect taxation which have so greatly redounded to the profit of this country, and have set so admirable an example—an example that has already in some quarters proved contagious—to the other nations of the earth. These are the principles on which we stand, and these the figures. I have shown you that if you grant us the taxes which we ask, to the moderate amount of £2,500,000

in the whole, much less than that sum for the present year, you, or the parliament which may be in existence in 1860, will be in the condition, if it shall so think fit, to part with the income-tax.

Sir, I scarcely dare to look at the clock, shamefully reminding me, as it must, how long, how shamelessly, I have trespassed on the time of the Committee. All I can say in apology is that I have endeavoured to keep closely to the topics which I had before me:

—immensum spatiis confecimus æquor,  
Et jam tempus equum fumantia solvere colla.

These are the proposals of the Government. They may be approved or they may be condemned, but I have at least this full and undoubting confidence, that it will on all hands be admitted that we have not sought to evade the difficulties of our positions; that we have not concealed those difficulties either from ourselves or from others; that we have not attempted to counteract them by narrow or flimsy expedients; that we have prepared plans which, if you will adopt them, will go some way to close up many vexed financial questions—questions such as, if not now settled, may be attended with public inconvenience, and even with public danger, in future years and under less favourable circumstances; that we have endeavoured, in the plans we have now submitted to you, to make the path of our successors in future years not more arduous but more easy; and I may be permitted to add that, while we have sought to do justice, by the changes we propose in taxation, to intelligence and skill as compared with property—while we have sought to do justice to the great labouring community of England by furthering their relief from indirect taxation, we have not been guided by any desire to put one class against another. We have felt we should best maintain our own honour, that we should best meet the views of parliament, and best promote the interests of the country, by declining to draw any invidious distinction between class and class, by adopting it to ourselves as a sacred aim to diffuse and distribute—burden if we must, benefit if we may—with equal and impartial hand; and we have the consolation of believing that by proposals such as these we contribute, as far as in us lies, not only to develop the material resources of the country, but to knit the hearts of the various classes of this great nation yet more closely than heretofore to that Throne and to those institutions under which it is their happiness to live.

The scheme thus introduced astonished, interested, and attracted the country. The queen and Prince Albert wrote to congratulate the chancellor of the exchequer. Public authorities and private friends joined in the chorus of eulogy.

The Budget demonstrated at once its author's absolute mastery over figures; the persuasive force of his expository gift; his strange power of clothing the dry bones of customs and tariffs with the flesh and blood of human interest, and even something of the warm glow of poetic colour. It established the chancellor of the exchequer as the paramount financier of his day, and it was only the first of a long series of similar performances, different, of course, in detail, but alike in their bold outlines and brilliant handling. Probably Mr. Gladstone's financial statements, taken as a whole, constitute the most remarkable testimony to his purely intellectual qualities which will be available for the guidance of posterity when it comes to assign his permanent place in the ranks of human greatness.

When the House of Commons re-assembled on February 12, the rumours of impending retirement increased in frequency and volume; they obtained general, though not universal, credence; they became the subject of animated comment in the newspapers, and gained strength from the fact that on February 28 Mr. Gladstone had an audience of her majesty at Buckingham Palace.

Meanwhile a protracted battle had been fought between the two Houses, over the mischievous amendments introduced by the Lords into the Parish Councils Bill. Dealing with these amendments on March 1, Mr. Gladstone, who spoke with marked moderation of tone, but also with a deep and most impressive solemnity, delivered himself as follows:

This Bill touches matters of such great importance and such lively interest to the whole rural population of the country that we could not make up our minds to part with the opportunity which is offered us of placing it upon the Statute-book. We have therefore reluctantly determined, in reference to these amendments which we think so objectionable, to withdraw our opposition to them for the time, but to withdraw it under protest. We cannot consent to be understood as accepting these amendments, and especially the second amendment, as a settled matter, but, on the contrary, we look to a reversal, and, we hope, an early reversal, of the unfortunate decision which has been arrived at by the House of Lords. I have no doubt there are many—and I sympathise with them in many respects—who would have been ready even to sacrifice the Bill rather

than allow the amendments to go forward, and, at any rate, temporarily, to take their place upon the Statute-book.

Still, I must observe that the sacrifice of the Bill forms part of a most serious question; a question which has long been serious, which, I am sorry to say, has grown more and more serious with the lapse of time; and which, during the present session, has arrived at a stage of peculiar acuteness and peculiar magnitude. . . .

The question is whether the judgment of the House of Lords is not merely to modify but is to annihilate the whole work of the House of Commons—work which has been performed at an amount and sacrifice of time, labour, convenience, and perhaps health, totally unknown to the House of Lords. Well, sir, we have not been anxious—I believe I speak for my colleagues, I know I speak my own convictions—we have not been desirous to precipitate or unduly to accentuate a crisis. We have been desirous to save something from the wreck of the session's work. We feel that this Bill is a Bill of such value that, upon the whole, great as we admit the objections to be to the acceptance of these amendments, the objections are still greater and weightier to a course which would lead to the rejection of the Bill. We are compelled to accompany that acceptance with the sorrowful declaration that the differences, not of a temporary or casual nature merely, but differences of conviction, differences of prepossession, differences of mental habit, and differences of fundamental tendency between the House of Lords and the House of Commons, appear to have reached a development in the present year such as to create a state of things of which we are compelled to say that, in our judgment, it cannot continue. Sir, I do not wish to use hard words, which are easily employed and as easily retorted. It is a game that two can play at—but without using hard words, without presuming to judge of motives, without desiring or venturing to allege imputations, I have felt it a duty to state what appear to me to be indisputable facts. . . . I think hon. gentlemen opposite must feel, as I feel, that in some way or other a solution will have to be found for this tremendous contrariety and incessant conflict upon matters of high principle and profound importance between the representatives of the people and those who fill a nominated chamber. It is not with the House of Commons to pronounce a judgment on this subject. The House of Commons is itself a party in the case. I have no difficulty in pronouncing a judgment on behalf of the Ministry in the issues that have been raised throughout this year between the two Houses. We take frankly, fully, and finally the side of the House of Commons. The House of Commons could not be a final judge in its own case, and I am by no means anxious to precipitate proceedings of that kind, however they might be invited by an impatience most natural in the circumstances of the case. No doubt, sir, there is a higher authority than the House of Commons. It is



the authority of the nation which must in the last resort decide. Happily, we know that we all of us are sufficiently trained in the habits of constitutional freedom to regard that issue as absolutely final upon one and upon all alike of every one of these subjects. The time when that judgment is to be invited, and the circumstances under which it is to be invited, of course constitute a question of the gravest character, and one which the Executive Government of the day can alone consider and decide. My duty terminates by calling the attention of the House to the fact, which it is really impossible to set aside, that in considering these amendments, limited as their scope may seem to some to be, we are considering a part, an essential and inseparable part, of a question enormously large, a question which has become profoundly acute, which will demand a settlement and must receive at an early date that settlement from the highest authority. In these circumstances the House will understand that we have not dealt lightly with this matter, that if we give advice to accept what, as it comes to us, is undoubtedly a damaged and a mutilated Bill, we have given that advice under the gravest sense of our responsibility, and that, considering the nature of the issue to which we have adverted, we are unwilling to do anything in our power for the purpose of unnecessarily stimulating the sharpness of the crisis by consigning to destruction the only very important and truly national portion remaining of the arduous work of the session now expiring. Having said this, and thanking the House for the attention they have given me, I have only to signify that it is the intention of the Government to acquiesce in the amendments which have been made by the House of Lords.

The foregoing declaration against the wrecking power of the Lords was received with passionate enthusiasm; but, before the applause which greeted it had died away, men began to realise that they had heard the last words which their great leader was ever to address, as prime minister, to the parliament of England. In spite of warnings and anticipations, the end had, after all, come suddenly; and, with a sharp pang of regretful surprise, the liberal party awoke to the fact that "their master was taken away from their head that day." The man whose genius and character had fascinated them so irresistibly and so long, whose teaching had been their faith, and whose eloquence had been their inspiration, had renounced the official leadership of the liberal host. His moral leadership could end only with his life; but henceforward the banner was to be borne by other hands. Strong men were shaken with emotion, and

hard men were moved to unaccustomed tears, as they turned their steps from the House of Commons in the dusky afternoon of March 1, 1894.

G. W. E. RUSSELL.

### THE CRIMEAN WAR

*March 29th.* The die is cast, and war was declared yesterday. We are already beginning to taste the fruits of it. Every species of security has rapidly gone down, and everybody's property in stocks, shares, etc., is depreciated already from twenty to thirty per cent. I predict confidently that before many months are over, people will be as heartily sick of it as they are now hot upon it. Nobody knows where our fleets and armies are going, nor what they mean to attempt, and we are profoundly ignorant of the resources and power of Russia to wage war against us. As the time for action approaches, Austria and Prussia grow more reluctant to engage in it. The latter has proclaimed her neutrality, and unless some events should make a change in her policy I do not believe the former will ever be induced to act with us and against Russia. The government here are in a very weak, unsatisfactory state. They are supported in carrying on war, but in every other respect they are treated with great indifference, and appear to have very little authority or influence either in parliament or in the country. Nobody seems to have risen in estimation, except perhaps Clarendon, who has done his work well and got credit for it. Palmerston and Graham have positively disgraced themselves by their dinner to Napier, and the foolish speeches they made both there and in the House of Commons afterwards. I do not know what Palmerston's popularity might turn out to be if it should be tested by some change which brought him forward, but he certainly has greatly lost ground this year by his whole conduct from his resignation down to this time. Gladstone, the great card of the pack, has forfeited by the failure of his financial schemes a good deal of the credit he had obtained. John Russell has offended everybody by his

obstinacy about his ill-timed Reform Bill, so that the government does not stand very high, and is only strong in the weakness of all other parties. They are constantly beaten on small matters in the House of Commons, which produces a bad effect. Up to this moment nobody knows what John Russell means to do about the Reform Bill; if he puts it off again, he ought to do so to-morrow, when the discussion will take place about the declaration of war.

*April 2nd.* The debates in both Houses were marked by great bitterness on the part of the Opposition, by Derby in one House, and by Disraeli and Layard in the other. The war fever is still sufficiently raging to make it impossible for any man who denounces the war itself to obtain a patient hearing. Nobody ventures to cry out against it but Bright in the House of Commons, and Grey in the House of Lords, but already I see symptoms of disquietude and alarm. Some of those who were most warlike begin to look grave, and to be more alive to the risks, difficulties, and probably dangers of such a contest. I cannot read the remonstrances and warnings of Bright without going very much along with him; and the more I reflect on the nature of the contest, its object, and the degree to which we are committed in it, the more uneasy I feel about it, and the more lively my apprehensions are of our finding ourselves in a very serious dilemma, and being involved in great embarrassments of various sorts. Amongst other misfortunes, one is the discredit into which Gladstone has fallen as a financier. Notwithstanding his extraordinary capacity, most people who are conversant with the subject of finance think he has greatly mismanaged his affairs, and suffered his notions or crotchets to get the better of his prudence, and consequently that he has prepared for himself as chancellor of the exchequer very great difficulties. His Budget last year was so popular, and his wonderful readiness and skill in dealing with everything relating to finance excited so much admiration, that his reputation was prodigious, and he was not only the strength of the Government, but was marked out as the future prime minister whenever changes took place. All this prestige is very much diminished; and although his failures are in great measure attributable to accidents over which he had no control, many who are not unfriendly to him think he has been rash,

obstinate, and injudicious, and no longer feel the same confidence in him which they did a short time ago.

*April 3rd.* The Duke of Bedford has just been here, as uneasy about the state of affairs and as disgusted and alarmed at the war as I am. He does not know what Lord John will do about the Reform Bill, but fears rather than hopes as to his intentions. Aberdeen had desired that there should be a Cabinet before Easter, and that Lord John should then determine what he would do, but Palmerston requested that the final decision should only be made on the 26th, the day before that on which it is to come on. What his object is, they do not know. The duke in talking to Lord John suggested the certainty of his breaking up the government by bringing on his measure, and the enormous evil this would be, to which Lord John replied that if he knew what the internal state of the government was, he would perhaps not think the evil of the dissolution so great. The fact is, that when the Opposition, as is their wont, taunt the government with their internal disagreement and want of cordiality and union, they are much more right than they themselves are aware of. The duke told me that the queen told him the other day that she had herself written to Lord John urging him to give up bringing on his Bill. Not long ago the queen was in favour of proceeding with it, but circumstances were very different at that time.

*April 15th.* This has been a week of excitement. It had been settled that on Monday last John Russell should announce his intention with regard to the Reform Bill. His uncertainty still prevailed, and he got into such a state of mind about it that it made him ill. He could not sleep, and was in a terrible state of vexation and perplexity. Aberdeen then proposed to him to give up the Bill, but to obtain from the Cabinet a unanimous consent to his pledging them to go on with it hereafter at some indefinite time. On Saturday there was a Cabinet, at which he made this proposal, but Palmerston and Lansdowne both refused their consent, and Lansdowne was in conversation with his friends very vehement about it. Graham appears to have been reasonable at this Cabinet, and ready to adopt the course proposed to Lord John. It was eventually settled that he should announce the abandonment of the Bill, and make the best statement he

could, not pledging the *whole* Cabinet as he had intended; but before this he urged them to accept his resignation, which they refused, and then Palmerston begged he might resign, which they refused equally. So matters stood on Saturday night, and everybody believed it was settled. On Sunday Lord John's doubts and fears returned, his mind became unsettled again, and he was inclined to withdraw from his agreement and to go on. To the surprise of the whole House of Commons, when Monday came, Lord John only said he would make his statement the next day. Everybody saw something was wrong, and the curiosity and excitement were very great. All Monday and Tuesday mornings were passed in conferences and going backwards and forwards, the Duke of Bedford being called in to work upon Lord John. He did his best, and at last on Tuesday morning he and others finally persuaded Lord John to adhere to what had been determined and withdraw his Bill. This he did in a very good speech, full of an emotion and manifestation of sensibility which succeeded completely with the House, and he was greeted with prodigious cheering and compliments and congratulations on all sides. Nothing could in fact go off better, or in a way more gratifying to him, and the government appears to have been strengthened by the operation. His emotion was sincere, because he is no actor, but it was in my opinion totally uncalled for; and as there is but a step between the sublime and the ridiculous, it might just as well have appeared ridiculous; but fortunately for him his audience were disposed to take it *au grand serieux*. Even his brother, partial as he is to him, takes the same view of this that I do, and has written to me that as Lord John has often been abused when he did not deserve it, so he has now been overpraised.

*April 24th.* When this government was formed, its principal merit was supposed to be its great administrative capacity, and the wonderful way in which the business of the country was to be done. It has turned out just the reverse of what was expected, for they commit one blunder after another, and nothing can be more loose, careless, and ignorant than the way in which their business is conducted. All sorts of mistakes and embarrassments are continually occurring in the House of Commons, and I have had occasion

to see ample proofs of what I say, in all that has been done and is doing about licences and trade permissions, consequent on the recent declarations and Orders in Council.<sup>1</sup> Now another matter has occurred, discreditable from the carelessness which has been evinced. When it was thought necessary to order a fast day for the war, the queen set her face against it. She thought it very absurd (as it is) and objected *in toto*. Aberdeen with some difficulty overcame her objections, setting forth that it had been done by George III., and that the religious part of the community would make a clamour if it were not done. So she gave way, but still insisted it should not be a "fast," so they settled it should be a day of "humiliation." The Archbishop of Canterbury fully concurred, and the proclamation was issued accordingly. But the other day the merchants took alarm, and represented that, as the word "fast," was omitted, the case would not come within the provisions of Masterman's Bill, and that bills of exchange, etc., would be payable on the day itself, and not the day before as provided by that Act, and that all sorts of confusion would arise. The Bank of England took the solicitor-general's opinion, who thought that such would be the law. A great difficulty arose, for time pressed. The chancellor thought the case would stand, and was for taking the chance, but the Cabinet on Saturday decided that it would be safer to correct the error even thus late. Aberdeen went to the queen and told her, and this afternoon there is to be a Council to turn the "day of humiliation" into a "fast day," in order that "merchants'" bills may be presented on one day instead of another, and that banking operations may not be deranged. The ridicule this throws on the religious part of the question is obvious, and the effect it ought to have is to discontinue these preposterous observances, which all sensible people regard as a mockery

<sup>1</sup> On the outbreak of the war a Committee of Council was summoned to consider and frame divers Orders with reference to the prohibition of the export of military and naval stores, the detention of Russian ships, and questions of trade in Russian produce. Dr. Lushington, the judge of the Admiralty, was a member of this Committee, besides several Cabinet Ministers. The French Government proposed to revert to the old system of licences to trade with the enemy; but this proposal was not agreed to by Great Britain. The Russian trade was left open, except when stopped by blockade. Licences were issued by the Privy Council for the export of military and naval stores to neutral ports.

and a delusion. But all this ought to have been provided for, and the law officers ought to have foreseen the consequences and advised accordingly.

CHARLES C. F. GREVILLE.

## EDUCATION

MUCH more important for England than an Irish Land Act or the birth of a new Irish propaganda was the Education Act of 1870, for which Mr. W. E. Forster was mainly responsible, and which laid the foundation of modern English elementary education. England's neglect of popular education could only be described as scandalous. Other European countries, even some much weaker in material resources, were far in advance of England, where educational progress was hampered by stupid people who professed to believe that education was not the business of the state and by sectarians of one camp or another who were more concerned to defend their own vested interests than to have the rising generation educated. Forster on the other hand, whose sincerity has never been questioned, was possessed by a single-minded desire "to cover the country with good schools." His Act embodied three principles new to English public education: the compulsory attendance of children at school, a representative local authority, and a compulsory local rate. The whole of England for the purposes of the Act was divided into school districts, in towns the municipal borough being the unit and in the country the civil parish. Where accommodation for elementary scholars was insufficient, school boards, in the boroughs chosen by the town council, and in the country by the vestry, would be elected, charged with the duty of providing elementary education and empowered to levy a rate for the purpose. The expenses of the board schools were to be borne in equal proportions by the state, the local rate, and the parents of the scholars. Free schools might be established in very poor districts, and in any district the fees of very poor parents might be paid by the board. An important point was left to the discretion of the local authority, whether in their district education should be made compulsory, and by the famous

Cowper-Temple Clause, which the government accepted as an amendment, it was provided that no catechism or other distinctive denominational formulary should be taught in any board school, and that no voluntary school should receive assistance from the rates. In November the first school board for London was elected by ballot, and a woman, Dr. Elisabeth Garrett, headed the poll.

Lord Sandon, vice-president of the education committee in Disraeli's ministry, carried in 1876 an Act of great importance in the history of elementary education. This measure carried to a further stage the principle of compulsion. It enacted that "it shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty he shall be liable to such orders and penalties as are provided by the Act." In cases of poverty school fees might be obtained by parents from the poor law guardians instead of from the school boards, without incurring the stigma of pauperism. No child might be employed at all under the age of ten, and no child between the ages of ten and fourteen without a certificate of having passed the fourth standard. To enforce attendance school attendance committees were set up in every district in England and Wales where no school boards existed.

Less exciting but not unimportant problems were being handled, if not solved, nearer home. In 1880, on the initiative of Mr. Mundella, the son of an Italian refugee, who, by his own exertions, had risen from the workshop to the position of a minister of the crown, the provisions for compulsory attendance at elementary schools were strengthened by a new Act which made it obligatory on all school boards and school attendance committees to pass by-laws under the Act of 1870 instead of waiting for a requisition from their parish.

R. P. FARLEY.



## THE YEAR 1888

A MORE important step was taken in July, when the match-making girls of a large factory in the East End were encouraged to strike by the outcry against sweating; Miss Clementina Black at once devoted herself to forming a Match-makers' Union; the girls won their fight themselves, and wrote a new chapter in the history of women's labour. It was altogether no wonder that in the autumn Lord Sydney Godolphin Osborne should express rather scintillating gratification in the reflection that at last some knowledge of the awful conditions of the East End and of provincial slums was penetrating an England which with these horrors at its doors went on subscribing half-a-million a year for foreign missions, spent its money lavishly on the building of a Church House, and its time on a Pan-Anglican conference of bishops from all over the world.

The sarcastic implication of this reflection, as well as its main purport, was thoroughly in the spirit of the year. In religious matters too the nation was singularly stirred. A focussing point for much new thought, some of it very yeasty, was provided by the publication early in April of a novel, *Robert Elsmere*, by Mrs. Humphry Ward. Reference has been made to that conflict between divines and men of science, which arose out of enthusiastic acceptance of the evolutionary theory, and was sharply revived in the eighties by the death of Charles Darwin and the consequent recapitulation of his achievements. As it happened, the controversy found the Church of England in a phase of slight, perhaps too slight, attention to purely doctrinal and historical work. That had become associated chiefly with the Tractarians; and in the reaction against High Church methods and practices, which centred in F. D. Maurice and Charles Kingsley, there had been a tendency to feel that ecclesiastical learning was not altogether a healthy pursuit. To show to the world that passion for the poor and afflicted, devotion to parish work, and zealous care of souls were not necessarily bound up with a sacramental interpretation of priesthood and an ascetic life tending to monasticism, was the object of the Maurice group; and as the priestliness and asceticism

were founded on the historical teachings of the Tractarians, the group had a tendency to avoid learning which was, so to speak, technical Church learning. The muscular curate was the prevailing type of young clergyman. When the attack came, when new scientific schools of thought, new theories of the origin of life, assailed the whole Christian cosmogony, and thereby raised the searching problem of Christian evidences, men of religious faith retired into more than one camp. The High Church, secure in its own mysticism, held no parley at all from its citadel. Churchmen of the Maurice and Kingsley type became the Broad Church, and started throwing up earthworks to enclose a portion of the debatable ground, from whence they might answer the shots aimed at them; in other words, they rationalised certain regions of evidence, especially in the Old Testament. Meanwhile a strong intellectual movement among lay churchmen rationalised the whole body of Christianity, and these people, ceasing thereby in mere honesty to call themselves churchmen, yet called themselves Christians. The Evangelicals, with a section of Nonconformity (one portion of which was in the broadest Church position), rejecting the extreme ground of the mystics, battled faithfully with the exponents of the higher criticism, and gave not the least convincing proof of the reality of their religious feeling in the firmness with which they refused to yield an inch of ground. A controversy of some fame took place just at this time; Dr. Henry Wace, Principal of King's College, London, engaged in an argumentative duel with Professor Huxley in the pages of *The Nineteenth Century*, and this type of discussion never received a better summing-up than on this occasion. The question of the origin of life seriously disturbed dinner-parties, and protoplasm was a word that could destroy the friendship of years. If the theologians' position showed some obstinacy, the scientists on their side laid themselves open to the biting comment that "nothing is infallible now, except science." Floating somewhat vaguely in the welter was the recent school of taste in art and life. Æstheticism in its worst aspect offered a cynical kind of support to the Ritualists; in its best it held a large part of the intellectual world aloof from destructive criticism and from an exaggerated emphasis on the exercise of the intellect.

Matthew Arnold, who had, if often indirectly, borne so large a part in this drastic reconsideration of belief, hardly lived to see it become (though the phrase is rather inappropriate) a popular affair. He died on 16th April, just after Mrs. Ward, whose uncle he was, had published her novel. Mr. Gladstone found himself at leisure to take up the ecclesiastical discussions which always interested him even more than politics; and an article by him on this novel set all the country talking. It is ancient history now; the modern world would not be stirred by the spectacle of a parish priest, who has resigned his living owing to an inability to believe in miracles, founding in the East End a sect based on an indeterminate mixture of Positivism, social enthusiasm, and sacramental phrases without the Sacraments. But the appearance of the book remains a monument of that searching of the social conscience which had so strikingly come to light even now and then in the early eighties, and in 1888 was the predominant influence.

Housing reform was at work. Large private benefactions were being projected to supplement the work of public bodies, and at least one great ground landlord, whose leases were falling in, was setting aside, in his plans for rebuilding, sites for workmen's dwellings. Educational reform was advanced a stage in this year by the Report of the Royal Commission of the Educational Acts. It had nothing to say about making education entirely free, though Mr. Chamberlain in his new surroundings maintained that ideal more frankly than any other part of his former Radical programme. The commission was indeed Conservative in essence, a majority of fifteen supporting the voluntary school system and recommending a development of religious education, from which a minority of five, including Sir John Lubbock, Mr. Lyulph Stanley and Dr. Dale dissented. But on more general topics some useful recommendations were made, as, for instance, that teachers' salaries should be fixed, instead of being dependent on the grant; and that, while the system of payment by results in the government grant could not be entirely abolished, it might be subject to much relaxation. An improvement of the training colleges was also recommended. A movement was on foot earlier in the year to ease the conditions under which elementary schools might enter

on technical education. It was beginning to be felt that it would be difficult to lay down the line at which elementary education ends and technical instruction should begin, so that the sounder policy might be a wide and deep improvement of elementary education. The Associated Chambers of Commerce, on the other hand, preferred that the two forms of teaching should be kept separate. The subject in general had a year of helpful ventilation and discussion.

Events had so fallen out that the chief parliamentary work of 1888 was also in the spirit of the year. The Local Government Bill gave the representative principle a new sphere hitherto occupied by non-elective authorities. Not only had "the era of administration" come, but the power of administration was placed within reach of all. Until this time the authority in the counties had been the justices in Quarter Sessions; it was now to be a body similar to the great popular municipalities, elected on the same household suffrage, with some modifications, such as the removal of the disqualification of clergymen and ministers. But more important still from the democratic point of view was the amount of delegation of work which the Bill was framed to permit. Practically all county work might be delegated to committees, with the provision that they must report to the council, and that the council had the sole power of expenditure. Two committees were compulsory under the Bill—the Finance Committee (which was not only a watching committee, as in the existing municipalities, but an estimating committee, without whose sanction no sum over fifty pounds could be expended); and a Standing Joint Committee, formed of councillors and justices, for police purposes. But any number of other committees might be formed, and in order to save wasteful expenditure from overlapping in such matters as drainage, roads, etc., a council might unite with other councils in setting up joint committees with delegated powers.

The result of all the delegation was that the council as a whole need not meet often (four meetings a year was the statutory minimum), and thus membership was open to men who had not much time to spare from their work, and at the same time county business was not hampered with incessant debating. A general county rate was authorised

by the Bill. The Bill did not apply to Ireland; but Liberal Unionists congratulated themselves on having an instrument the possible extension of which might undermine the Home Rule movement. Conservatives indeed regarded the measure as savouring far too strongly of Liberal Unionism, and the government had to face much resentment among their supporters in the country. Tory critics pointed out that administration by Quarter Sessions had been economical, fairly efficient, and, above all, free from jobbery. Other critics, while more friendly to the principle, objected that much more ought to have been done to unify rating, that interference with the old control of the police might endanger the efficiency of the service, that triennial elections were not frequent enough to keep up local interest, and so on. Liberals regretted the exclusion of Poor Law administrations from the work of the new councils; but the creation of a County of London, with the consequent abolition of the Metropolitan Board of Works, was no small consolation to them. All was going well with the Bill, when suddenly a controversy sprang up on the clauses detailing the licensing powers of the new authority. The councils were to be allowed to refuse the renewal of licences to public-houses, on payment of compensation to the licence-holder. Temperance reformers detected danger in the implication contained in this clause, that an interest in a licence was a valuable interest; they maintained hotly that a licence was an annual grant, and that the licensing authority had a right in any year to refuse renewal. Less extreme men were puzzled by the absence of any basis for computation of the value of a licence. Brewers and licence-holders for their part disliked any change which would place them under new and popularly elected bodies. So great an outcry arose from all these conflicting interests that the government decided to withdraw the licensing clauses altogether. The Bill then made a prosperous passage, and was law before the House rose in August.

R. H. GRETTON.

## THE LABOUR MOVEMENT

WITH the summer came the sequel to the dock strike of 1889—a stirring among wage-earners. Profit-sharing schemes succeeded to conciliation board projects as the most widely discussed methods of meeting the new unrest, but the workmen, as they had already shown in the South Metropolitan Gas Strike, were extremely suspicious of any weakening of their attachment to their unions. The Labour Association, which had been founded a year or two earlier, was beginning to receive the adherence of the large trade unions, and this political tendency puzzled the kindly people who had been telling the workman that parliament was useless to him. The association opened a special fund to support candidatures of labouring men for parliament; and the idea of paying salaries to members of parliament, which was brought forward from time to time during these years, received additional argument. Dismissal of the idea took usually the grimly brief form that few young men of parts and ambition would be tempted by £400 a year, and no working men were worth it. As May day approached, it looked as if the old struggle with the police might revive; the socialist bodies arranged a demonstration, which the police prohibited; but the affair proved in the end too small to fight over. Two books just at this period were the means of conveying socialist visions to the public outside the socialist ranks. Bellamy's *Looking Backward*, a presentation of the phalanstere system in its logical completeness, was published in 1889; and William Morris's *News from Nowhere*, a charming fiction of an England without capitalists or landlords, pervaded with the golden afternoon light of the wide meadows of the Upper Thames, where he had made his home, was published in 1890. But neither book had any relation to the working activities of the moment. John Burns was extraordinarily energetic, addressing meetings of workmen almost every day, and enlarging the number of trade unions; while Ben Tillett, his colleague of the year before, was upholding the need for keeping all the unions national in scope, so that in any given case not the local men alone would have to be

dealt with. Women workers were also on the way to vigorous combination. Certain associations of ladies in various towns for the care of friendless girls had been developing under pressure of the growing concern for working women into local unions of women workers. In 1890 the Birmingham Union held a conference at which papers on various subjects connected with the industries of women and girls were read. It was an important conference, because it led to a succession of others, from which in the end the National Union of Women Workers arose. In one of the hardest of women's trades, that of chain-making, there was an endeavour to set up a trade union. Unfortunately the Sweating Committee was ending in disappointment. On the Conservative as well as the Liberal side there was some indignation when it was announced in the summer of 1889 that the committee was postponing its report; and when, early in 1890, Lord Dunraven discharged himself from the chairmanship, because his draft report had been unanimously rejected, there was little hope of light or help from the inquiry. The report was a cautious document, which made no proposals for legislation. The state of public feeling, however, prevented the disappearance of the subject, now that it had been effectively raised.

At the Trade Union Congress of the year Burns triumphed in the mingling of the new men with the old in the labour movement, the new men being wholly and solely working men; and in the fact that in 1889 forty-five new unions had been established, and seventy-two more in the nine months of 1890. The total income of trade unions in 1890 was nearly a million pounds. The gospel of the Eight Hours' Day largely occupied the congress; and even prominent politicians like Mr. Courtney and Mr. Morley—nay, Mr. Gladstone himself—had to weigh very seriously their opposition to it.

Strikes were frequent. Boot and shoe makers, brick makers, railway porters and quay labourers, Liverpool dock labourers and bargemen were all out in April; and iron-workers and colliers in South Wales during the summer. Such manifestations aroused much more than purely local anxiety. But at the height of that anxiety, relief was given by an event which could only be taken as vastly diverting—

the police strike! They demanded in June more wages and allowances, and although a month later their strike had collapsed to an affair concerning some forty men, the story had roused such hilarious excitement that Life Guards had to be called up to disperse the mob which hung about Bow Street. Less amusing, but equally shocking to the official mind, was a strike of postmen which followed. In this principle of Union Labour in a government department was at strike, and the authorities won a temporary victory, after great inconvenience to the public, by the dismissal of four hundred men. Though probably without relation to labour troubles, an outbreak of insubordination in the Grenadier Guards added to the respectable citizen's indignation at the general spirit of revolt; the matter was at any rate serious enough to cause the second battalion of the regiment to be ordered to Bermuda as a punishment. It must be added that the new Trade Unionism showed that it had no small control of its men in the case of a strike at some of the London docks in September, concerned with the unloading of grain ships. Tom Mann and the Docker's union ordered the men back to work, and they went. It is interesting to find the British Association at its meeting this year diagnosing the social condition very shrewdly; in a discussion on "Some Typical Economic Fallacies of Social Reform" its members gave the first signs of knowledge that the humaneness which had usurped the place of political economy was not the force of the future; and there was an astonishing tendency to accept the doctrine that the problem of socialism was only one of degree, and not of kind.

R. H. GRETTON.

### THE PEOPLE'S BUDGET

THE great battle in parliament was not long in coming to a head. The king's speech called attention to the fact that, owing to the necessary provision of money for Old Age Pensions and the increased Naval Estimates, the budget would require both long and serious discussion, and would



be the principal business of the year. On 29th April it was introduced. The cost of Old Age Pensions had, it appeared, been under-estimated; it would be a good deal more than six millions, and indeed the Opposition was not far out when it put the cost at something like twelve millions. The charge for this service, and the demands of the navy, meant a prospective deficit, as taxation stood, of fifteen and three-quarter millions. The first step towards meeting this would be to diminish the provision for repayment of the National Debt by three millions. Then came the unfolding of new methods by taxation. The distinction between earned and unearned incomes was to be carried further. On all earned incomes under £3,000 the income-tax was to remain at 9d.; on earned incomes over that figure and on all unearned incomes the tax was to be 1s. 2d.; on incomes over £5,000 a super tax of 6d. was to be paid on the amount by which they exceeded £3,000. Lower middle-class incomes were relieved by an abatement, on those below £500, of £10 of the income for every child under sixteen years of age. Next came landed property. A tax of 20 per cent. was levied on "unearned increment" in land values, payable on the sale of land, on leases for more than fourteen years, and on the passing of land or landed interest at death, the increase in the value to be reckoned from 30th April, 1909, or from the last payment of the tax. Agricultural land, small residences, and small holdings were exempted. A duty of a halfpenny in the pound was levied on undeveloped land, where the site value was over £50 an acre. In the original proposal the same duty was levied on ungotten minerals; but this was altered in committee to a tax of one shilling in the pound on mineral royalties. Next came the turn of the licensed victualling trade. A tax of 50 per cent. was laid on the annual value of all licences, hotels and restaurants to have the alternative of paying either 25 per cent. of the annual value or a duty according to the proportion borne by sales of intoxicating liquor to total sales. A proposed duty of threepence in the pound on the sales of liquor in clubs was altered in committee to a duty of sixpence in the pound on the club's purchase of liquor. The spirit-duty was increased by 3s. 9d. a gallon; the tobacco-duty by 8d. a pound. A graduated tax was placed on motor vehicles

used for other than business purposes, and a tax was also placed upon petrol.

The outcry against such a Finance Bill was immediate. Super-taxation was denounced as a deliberate piece of class legislation; taxation of land values even more so. The government was warned that the cost of the enormous labour of land valuation, which must be undertaken in order to provide a starting-point for assessment of increment, would so far swallow up the proceeds of the tax that its unprofitableness would expose it as a mere vindictive attack. Licence-holders equally asserted that the new duties falling upon them were a piece of revenge for the failure of the Licensing Bill. On the Liberal side there was satisfaction at the determination to prove that under a Free Trade system taxation still had its elasticity, and that Tariff Reform could not be advanced as the only method of meeting steadily growing expenditure. A budget that could deal immediately with a deficit of fifteen and three-quarter millions could afford to include proposals for land taxes, which must, when once the valuation was accomplished, bring in an ever-increasing revenue. Moreover, such a valuation, with the accompanying tax on undeveloped land, would tend to bring land into the market, and so meet a bitter Radical grievance. The Conservative answer was that it would bring so much land into the market that prices would fall disastrously, the countryside meanwhile being everywhere robbed of the old relation between great landowners and their people.

It was not, in spite of Lord Rosebery and others who applied this epithet to it, a "revolutionary" budget. People who spoke of it in that way had presumably little acquaintance with the doctrines of the land-taxers, the single-taxers, and others who wished to see new principles of taxation rather than even the most drastic readjustment of existing principles. The budget was, indeed, a social rather than an economic achievement. For twenty years past the rich had been growing richer; very large incomes were much more numerous than they used to be; and it was equally true that high middle-class incomes, running well into the thousands, were much more numerous. The super tax was, in a sense, the state's claim for a return on the amazing field it

had opened by the Limited Liability Acts, and on all the indirect services by which it rendered possible a world-wide trade. But to many reformers it appeared that the time was ripe for fundamental reconsideration of taxing. Strong as the present budget was, it was of the old family of budgets in its combination of direct and indirect taxation, its gathering of a handful here and a handful there. Pitt would have understood what it was all about.

R. H. GRETTON.

## PARTY GOVERNMENT

IF every act of the crown must be supported by the responsibility of a minister, and ministers must possess the confidence of the House of Commons as the exponent of national judgment, it must be the continual care of ministers to keep in agreement with that judgment. This result may be secured partly by studying the development of public opinion, and by shaping the course of the ministerial action, so as to move alongside of it, and partly by capturing and moulding that opinion, so that it shall support the actions of the ministry. It must be their ambition to keep the House of Commons and the nation together, and if a divergence should appear to be threatening, it would seem to be more far-sighted to cultivate the power that must be supreme at the next general election. Ministers cannot however always maintain this detachment of spirit. They may clearly see that opinion is for the time irreclaimably moving away from them, and while cherishing the hope that in later years it may again move towards them, they may be schooling themselves to give way to others when the nation has spoken. This change in succession of popular judgment must, to be effectual, involve the existence of other men prepared and ready to take office; and if the previous analysis of the working of the constitution be correct, such reserves must have been at hand more or less definitely organised ever since the responsibility of ministers to the nation through parliament was established.

At a time when the House of Commons was in a pre-

dominant degree under the control of men of wealth, these reserves not unfrequently appeared as combinations of men brought together by family connections or accidental intimacy, rather than associations having, as the bond of union, agreement on a fixed set of principles of national policy and conduct. Yet even then the differences were often real, and men at least sought to distinguish themselves from one another by professions of divergent aims. Apart from family traditions or purely irresponsible ambition, men have always been and must be drawn into two camps of progress and of caution. The gradations of temperament must be infinite, and the same man not seldom passes from phase to phase. Yet there are always two masses, the one characterised by attachment to things as they are and by hesitation to change; the other, by a strong sense of existing shortcomings and defects, and by a readiness to entertain plans for their amendment. Names change, but Whigs and Tories, Liberals and Conservatives, Radicals and Constitutionalists are only different ways of describing the same essential divisions. Adherence to things as they are may become less stubborn, the passion for reform less ardent, but the divergence of tendencies is never lost, though it may be less sharply manifested. Since the Reform Act of 1832 the line of demarcation has been repeatedly drawn afresh. Every change accomplished involves the assumption of new positions. Every new proposal of far-reaching change provokes a similar shifting. The objects of controversy are altered, the combatants pass to and fro, and still the two armies confront one another.

It may even be said that year by year the two great divisions are more highly organised, and this development is not inconsistent with an organisation of sub-divisions which, if not absolutely new, has of recent years been carried to an unprecedented length. There have always been groups within the two great parties. Before 1832 they were frequently distinguished as clustering about some particular person. A certain number of members might even be known as the men of a great borough-monger whose seats they occupied. In the years following 1832 the Whigs or Reformers had among their following Mr. O'Connell and his Repealers, the members of the Manchester school, and the Philosophical

Radicals, whilst the Conservative party of landowners, commercial magnates, and churchmen ran through all shades from High Toryism and unbending Protection, to the open mind of Sir Robert Peel. The Maynooth grant and the demands of Repealers disturbed parties then as they are disturbed to-day, nor was there wanting a migration of leading spirits who, seceding from a ministry, remain sometime on its flank, and then became embodied in the opposite ranks. Sub-divisions may have become somewhat more accentuated of recent years through the assumption of forms of organisation such as Church Committees, Service Committees, Labour Parties, etc., which meet more openly and with a greater affectation of independence than heretofore; but groups of a similar character have long been known and have perhaps exercised as much influence in the past as in the present on parliamentary life. All these sub-divisions are apt to disappear when the two great parties are set in array, nor can it be positively said, when the experience of to-day is compared with what we know of the experience of fifty or sixty years since, that the difficulty has seriously increased of marshalling the parliamentary hosts in conflict.

There can be no doubt as to the increased energy with which the two great parties are worked. The increase of railway and postal facilities, the comparative cheapness of paper and printing, the multiplication of newspapers, have all helped to develop this political activity. But it has been perhaps most stimulated by the multiplication of single-member seats of nearly equal size. The transformation of constituencies has greatly reduced the intensity and power of personal and family influence, and has opened up fields where the greatest effect is produced by working through the forms of political organisation. Central offices are maintained in London, and local committees are established in almost every constituency, between which and the central offices there are frequent communications. Literature, or what passes as such, is thus disseminated, and it becomes more profuse as a general election approaches. Meetings, or as they are more commonly called, mass-meetings, are held in and through the parliamentary vacation, with the exception of a few weeks after the usual August prorogation,

and even in the session itself they are not unknown. To these meetings the leading political personages are drafted for the purpose of keeping up the fire of party zeal in every district. This unceasing and widespread activity is the newest development of party. Such men as the leaders of the House of Commons and of the Opposition might in a former generation deliver a couple of political addresses outside parliament in the course of the year. The demands upon their energies have multiplied at least tenfold, whilst some members of the government and of the Opposition find their main if not exclusive duty in urging upon provincial audiences the merits of their own party and the demerits of their opponents.

The employment of the machinery thus kept in constant work cannot be said to be altogether free from evil effects. It is true that in a nation there must be forces of hesitation and of adventure; but corresponding moods exist in the breast of every man, and the effort of the individual is not to give way to alternate fits of inaction and of rashness, but to maintain an equable course of regulated labour. The aim of education is to substitute continuity for discontinuity, an uninterrupted flow for mere gush and check. If national life is so organised that its manifestations are habitually characterised by discontinuity in successive periods of time, we may suspect some defect in its organisation, even though we may not be able to see a way to its remedy. Such discontinuity does not in fact exist in real life, and it is noteworthy how habitually the conduct of the parties in power is shaped so as to correct the discontinuity which party organisation tends to produce. Every party in power leans in the direction of the policy of its opponents. A Conservative government is liberal, a Liberal government is conservative. It is a common experience for each in turn to be condemned by its extreme followers for adopting the policy of its adversaries. The complaint is well founded, and it shows that both Liberal and Conservative are conscious that the true line of national movement follows a course between their exclusive fields of policy. If it were possible to organise the representation of national life so that it should be habitually embodied in something reproducing this central line of movement, we should be spared the falsity and the waste

resulting from an organisation always producing more or less serious misrepresentations. Such a vision is at least conceivable. It must be made the subject of further inquiry before it can be declared to be in any degree practicable. Meantime it may be observed that, could it be realised, the government of the future would have a promise of permanence and stability corresponding to the permanence and stability of the nation itself. It would be entitled to be called, what many governments vainly claim to be, national. It would from time to time part with some elements and receive others. As years went by it would be entirely renewed, but there would rarely be a break in the continuity of its existence. Such a transformation cannot be accomplished at a jump. Any steps towards it must be gradual. It is enough if the movement gives us a real promise of approach.

LORD COURTNEY.

## THE GROWTH OF IMPERIALISM

THE growth of Imperialism has, in fact, been one of those surprises which play ducks and drakes with political prophecy. Both the friends and enemies of democracy inclined to the belief that when the people came into power there would be a time of rapid and radical domestic change combined in all probability with peace abroad—for where was the interest of the masses in any war? As it turned out, almost the first act of the new British democracy was to install the Conservatives in power, and to maintain them with but partial exceptions for nearly twenty years. Never were the fears or hopes of either side more signally disappointed. Before the event the advocates of popular government believed that they had now forged the necessary weapons of social advancement. There would be a new epoch of internal reform. Political democracy was in substance achieved, and the time was ripe for a series of social reforms which, in their aggregate effect, would amount to an even greater revolution. Industrial legislation of the type embodied in the Factory Acts

would be perfected and extended to every occupation, so that short hours, healthy surroundings, and fair conditions should be the lot of every wage-earner. There would be compensation for all the accidents and diseases incident to industry, provision for sickness, and pensions for the aged. Municipalities, finally emancipated from the dominion of monopolist companies, and endowed with new financial resources by the taxation of immensely swollen land values, would solve the housing question and provide for sanitation, cleanliness, and public recreation. The drink traffic, as the principal source of demoralisation, would—no doubt after a stiff fight—be brought under close control, and therewith the problems of pauperism and crime would be reduced to manageable dimensions. Education, rendered free, secular, and compulsory, would open the best career for the best talents in every class, while bodily raising all classes, including the lowest, in the scale of culture. Such was the dream, and in many directions the ablest men were giving their thoughts and energy to its furtherance. The question how to reorganise society as a democratic state, not for a military but for an industrial life, not in the two great classes of exploiters and exploited but in an undivided community, how to equalise opportunity, minimise the causes of poverty, choke up the sources of crime, in a word, how to realise the true end of public and private ethics—the development of human faculty in orderly co-operation—such were the questions in which the best minds were absorbed, and which they believed would occupy the coming generation. In the light of the past ten years the bare statement reads like a satire on the vanity of human effort.

For social progress we have had out of the whole programme of the nineties the partial fulfilment of one item—compensation for industrial accidents—to balance which we have had a reaction in finance, reviving a kind of class legislation supposed to be extinct, and a still more serious reaction in educational policy, threatening the definite reinstatement of clerical control. Lastly, as the outcome of two generations of temperance effort we have a measure aimed not at suppressing the temptations to drink, but at suppressing those magistrates who, with scanty powers, have done what in them lay to mitigate the evil, and en-



trenching the public-house behind the impregnable barrier of compensation. With this latest effort in social legislation the turning of the tables is indeed complete.

Here again it is not merely that mischievous and reactionary measures have been carried through, but that principles won by the sweat and blood of earlier generations have been lightly swept aside and methods introduced which threaten the very breath of our political life. Foremost among them stands the method of handing over public money or, what is the same thing, assigning relief from public burdens, first to one and then to another group of supporters of the government in power. It is hardly possible under a popular suffrage to legislate in the interests of one class or one interest alone. But unfortunately a system of log-rolling is quite feasible, by which first one interest and then another gets "value received" for its political support, and the invention of this system is a heavy blow to popular government. And this is not the only blow that has fallen. On every side the popular element in our constitution has been weakened and the elements of reaction have gathered strength. The House of Lords, once regarded as moribund, has shown itself capable of defeating Liberal legislation and reducing any democratic government to impotence and ineptitude. The monarchy—as the one realised flesh and blood bond of union between all parts of the empire—has vastly increased its prestige, a change which, whatever its immediate advantages when the wearer of the crown happens to be wiser than his constitutional advisers, can only be viewed by men of popular sympathies with grave concern for its ultimate outcome. The House of Commons, meanwhile, in the opinion of the best observers, has gradually changed its character. It is ceasing to be an arena for the full and free discussion of public affairs, for the critical examination of legislative proposals, and the ventilation of public grievances. It is becoming more and more a formal assemblage for the recognition and registration of decisions taken by the executive, like the Homeric assembly to which the chiefs announced their resolves. Such has been the consequence on the one hand of refusing Home Rule—another instance of the loss of our own liberties by refusing liberty to others—on the other, of the growth of business

and preoccupation with Imperial affairs, in which all the information is in official hands and effective criticism at the right moment is accordingly a matter of extreme difficulty. Lastly, outside the sphere of politics proper the chief working-class organisations, the trade unions, have received a series of blows. The position which parliament undoubtedly intended to give them and which they had enjoyed for thirty years, has been revolutionised by a sequence of judicial decisions, which reflect—for judges, too, are human—the changed temper of the time. The effect is that this arm of the democratic movement is for the moment paralysed.

This reaction at home is interwoven with reaction abroad, and in the new principles we see the whole circle of the Cobdenist ideas turned, as it were, inside out. There we saw that free trade, peace, retrenchment, self-government, democratic progress were mutually dependent principles. In their reversal we see the same truth. Aggrandisement, war, compulsory enlistment, lavish expenditure, protection, arbitrary government, class legislation, follow naturally one upon the other. They move along the same line of thought, and the same lines of causal connection. But in proportion as that line has become clear and people have seen whither it would lead them, they have begun to doubt Imperialism. They have come to realise that the name stands, not for love of the Empire, but for the lust of Empire, not for the noble constitutional fabric built up by British energy and remodelled by the spirit of British liberty and fair dealing, but for the dream of conquest, the vanity of racial domination, and the greed of commercial gain.

L. T. HOBHOUSE.

## THE STATE AND INDUSTRY

THE course of industrial development on the Continent, during the seventeenth and eighteenth centuries, lagged as much behind the English as did the political; and it is impossible to doubt the connection between the two facts. In France and Germany, the events of the seventeenth

century produced a strong development of centralised autocracy, which was accompanied by an almost complete stagnation of industrial development. Everywhere the peasantry remained virtually in a condition of serfdom; while even the efforts of the enlightened French economists of the eighteenth century, such as Turgot and Calonne, failed to overcome the natural aversion of the French industrialist to "great" industry. Not unnaturally, the French Revolution swept away agricultural serfdom in France, and, very largely, in Germany. But it is at first sight curious, that one of the earliest measures of the revolutionary republic should have been the dissolution of the *corporations*, or *métiers*, which had survived the English guilds by at least two centuries; and the explanation, apart from the passionate individualism of the revolution, is, probably, to be found in the fact, that the French kings of the sixteenth century, while carefully preserving the form of the *corporations*, had brought them completely under state control, and, finally, made of them instruments of arbitrary and unpopular taxation. In Germany, on the other hand, there seems to have been no feeling against the *Zünfte*, or guilds, either on the part of the state or of the people; perhaps by reason of the stagnation of industrial development. At any rate, they seem to have lasted until the revival of industry, and the introduction of competitive principles, in the nineteenth century.

Meanwhile, a substantial victory had been won by the wage-earners in England in the passing of the Repeal Acts of 1824 and 1825, which, for the first time, rendered lawful the existence of trade unions, *i.e.* organisations of wage-earners formed for the avowed purpose of improving the conditions of labour. The differences between the two statutes, which appear, at first sight, to be almost word for word, are obscure but important. They may be studied in detail in the contemporary accounts;<sup>1</sup> but, in substance, they amount to this: that whereas the earlier statute of 1824 not only repealed the long series of "Combination Laws" which had culminated in the Act of 1800, but also the alleged "common law" or judicial decisions on the

<sup>1</sup> *e.g.* in the *Life of Francis Place*, by Graham Wallas, 1919 (Allen & Unwin).

subject of trade conspiracies, the later statute of 1825, which superseded the Act of the previous year, merely repealed the *legislative* provisions against trade unions. Thus, when, alarmed by the rapidity with which trade unionism developed,<sup>1</sup> the government and the employers revived the ancient doctrine of "criminal conspiracy" in the case of "strikes," the main effect of the statute of 1824 was seen to be merely to shift the *onus* of proof on to the prosecution. Doubtless the mere existence of a trade union was no longer an offence against the law; but effective action—*e.g.* a "strike"—was treated as a criminal conspiracy, though it was admitted that, since the repeal of the Statutes of Labourers, it was no offence, criminal or civil, for isolated individuals to throw up their jobs after due notice. And when, by the Trade Union Acts of 1871 and 1876, the doctrine of "criminal conspiracy," as applied to peaceful strikes, was abolished, the employers successfully appealed to the yet more shadowy doctrine of "civil conspiracy," a doctrine never applied in practice to any other persons than members of a trade union,<sup>2</sup> which held responsible in damages any group of persons who induced others to leave the service of their employers, and, finally, those who persuaded others not to enter the service of a particular firm.<sup>3</sup> The weakness of this doctrine, from the employers' point of view, was, that only the persons actually engaged in the acts complained of could be made liable; and they, being, as a rule, wage-earners, could not pay much. But a startling decision by the House of Lords in the year 1901,<sup>4</sup> which held the large funds of the trade unions responsible for acts of "civil conspiracy" by their officials, not merely extended the doctrine of agency in a remarkable way, but reversed the whole attitude of the state towards trade unions, by treating them, after long refusing to do so as,

<sup>1</sup> In fact a few Trade Unions, carefully disguised as "Friendly" or "Benefit" Societies, had maintained a precarious existence before 1824. But the great development of the movement begins from that date.

<sup>2</sup> The inconsistency of the doctrine is shown by the fact that the House of Lords, sitting as a judicial tribunal, refused to apply it, in the year 1892, to a shipping "ring" which threatened to boycott all merchants who patronised its rivals. ("Mogul" Case.)

<sup>3</sup> The "Belfast Butchers" Case, in 1901.

<sup>4</sup> The "Taff Vale" Case.

“legal persons” or corporations. Had the state, at the same time, conferred upon the unions the legal power, enjoyed by every corporation, of making and enforcing contracts, at least within the scope of their objects, there might have been something to say in support of the “Taff Vale” decision. In the circumstances, it was regarded as an act of war, and was treated as such.

The opportunity of the unions came in 1906. The Reform Act of 1883 had conferred upon the male wage-earners, to a considerable extent, the political franchise; and, in the general election of 1906, the position of political parties enabled them to throw the whole weight of their political influence into the scale, with decisive effect. One of the first results of the victory was the passing of the Trade Disputes Act, which swept away, not only the “Taff Vale” decision, but the whole doctrine of “civil conspiracy,” as applied to trade disputes. The individual employer or employee who breaks the law can still be prosecuted or sued, according to the nature of his offence. But the mere fact that such an act is alleged to have been done at the instigation of an employers’ association or a trade union, does not make the association or union liable in damages; while, at any rate in connection with trade disputes (the only matter in which the doctrine was ever applied), the doctrine that it is unlawful for A and B to combine to do an act which, done by either independently, would not be unlawful, goes by the board. Much nonsense, some clever, some very stupid, has been talked about the Trade Disputes Act; and it was, undoubtedly, in the nature of a “reprisal.” But the responsibility for the reprisal hardly lies upon the shoulders of its promoters. It may be, and probably is, desirable, that the legal rights and liabilities of powerful unincorporated bodies like trade unions, employers’ federations, political “Leagues,” and religious associations, which, in fact, exercise great power, should be carefully regulated. But such regulation must not take place by a series of sniping attacks, but by a comprehensive scheme based on impartial justice.

Before leaving the subject of English labour organisations, one other recent event must be mentioned. The bulk of the older English trade unions, especially those of a

local character, play the double rôle of a benefit society, making provision for the old age, sickness, and out-of-work contingencies of its members, and an armed champion of their cause against the alleged invasions of their rights, or neglect of their merits, by their employers. Both these functions involve the expenditure of funds, sometimes on a very large scale; and it is obvious that undue attention to one involves risk to the other, unless the funds available for each are kept distinct. If a union expends all its money, for example, in an unsuccessful strike, it will have none to expend in sick pay or other "benefit."

This was the point raised in the "Osborne judgment," where it was held, that a member of a trade union, duly registered under the Act of 1871, was entitled to the assistance of the courts in resisting a compulsory levy upon him to provide funds for political propaganda, with the alternative of expulsion and loss of benefits if he refused to obey. The various decisions of the courts, which covered the period 1909-11, raised many abstruse technical questions as to the legal position of trade unions; and they emphasise the necessity for a comprehensive definition of trade union status. But the precise point in dispute in the Osborne case was disposed of by a statute of the year 1913, which, in effect, divides the funds of an ordinary trade union into two parts, an economic and a political, and makes levies on behalf of the latter optional upon its members. The effect of the Act was, however, largely discounted by the adoption of the principle of payment of salaries to members of the House of Commons; for the necessity of finding the means of support for their representatives in parliament had been one of the chief charges upon the political funds of the unions.

EDWARD JENKS.

## THE NEW IDEAL

## A COMMONWEALTH OF NATIONS

I THINK that we are inclined to make mistakes in thinking about this group of nations to which we belong, because too often we think about it as one state. We are not a state. The British Empire is much more than a state. I think the very expression "Empire" is misleading, because it makes people think that we are one community, to which the word "Empire" can appropriately be applied. Germany is an empire. Rome was an empire. India is an empire. But we are a system of nations. We are not a state, but a community of states and nations. We are far greater than any empire which has ever existed, and by using this ancient expression we really disguise the main fact that our whole position is different, and that we are not one state or nation or empire, but a whole world by ourselves, consisting of many nations, of many states, and all sorts of communities, under one flag.

We are a system of states, and not a stationary system, but a dynamic evolving system, always going forward to new destinies. Take the position of that system to-day. Here you have the United Kingdom with a number of crown colonies. Besides that you have a large protectorate like Egypt, an empire by itself. Then you have a great dependency like India, also an empire by itself, where civilisation has existed from time immemorial, where we are trying to see how East and West can work together. These are enormous problems; but beyond them we come to the so-called dominions, independent in their government, which have been evolved on the principles of your free constitutional system into almost independent states, which all belong to this community of nations, and which I prefer to call "the British Commonwealth of Nations."

You can see that no political ideas which have been evolved in the past will apply to this world which is comprised in the British Empire; and any name we have yet found for this group is insufficient. The man who will find a proper name for this system will, I think, do real service to the empire.

The question is: How are you going to provide for the future government of this Commonwealth? An entirely new problem is presented. If you want to see how great it is, you must indulge in comparison. Look at the United States. There you find what is essentially one nation, not perhaps in the fullest sense, but what is more and more growing into one nation; one big state consisting, no doubt, of separate parts, but all linked up into one big continuous area. The United States had to solve the problem which this presented, and they discovered the federal solution—a solution which provides subordinate treatment for the subordinate parts, but one national federal government and parliament for the whole. Compare with that state the enormous system which is comprised in the British Empire. You can see at once that a solution which has been found practicable in the case of the United States will never work in the case of a system such as we are comprising a world by itself.

What I feel in regard to all the empires of the past, and even in regard to the United States, is that the effort has always been towards forming one nation. All the empires we have known in the past and that exist to-day are founded on the idea of assimilation, of trying to force human material into one mould. Your whole idea and basis is entirely different. You do not want to standardise the nations of the British Empire; you want to develop them towards greater, fuller nationality. These communities, the offspring of the mother country, or territories like my own, which have been annexed after the vicissitudes of war, must not be moulded on any one pattern. You want them to develop freely on the principles of self-government, and therefore your whole idea is different from anything that has ever existed before. That is the fundamental fact we have to bear in mind—that this British Commonwealth of nations does not stand for standardisation or denationalisation, but for the fuller, richer, and more various life of all the nations comprised in it.

Even the nations which have fought against it, like my own, must feel that their cultural interests, their language, their religion, are as safe and as secure under the British flag as those of the children of your own household and your own blood. It is only in proportion as this is realised that you will fulfil the true mission which is yours. Therefore it seems to



me that there is only one solution, and that is a solution supplied by our past traditions—the traditions of freedom, self-government, and of the fullest development for all constituent parts of the empire.

The question arises: How are you going to keep this commonwealth of nations together? If there is to be this full development towards a more varied and richer life among our nations, how are you going to keep them together? It seems to me that there are two potent factors that you must rely upon for the future. The first is your hereditary kingship, the other is our conference system. I have seen some speculations recently in the newspapers about the position of the kingship in this country—speculations by people who, I am sure, have not thought of the wider issues that are at stake. You cannot make a republic of the British commonwealth of nations.

GENERAL SMUTS.

## COMMONWEALTH AND EMPIRE

WHAT do we mean by our empire, and what is its relation to that universal desire of mankind, the permanent rule of peace and justice in the world? The whole world will be the better for a very plain answer to that question.

Is it not time for us British not merely to admit to ourselves, but to assure the world that our empire as it exists to-day is a provisional thing, that in scarcely any part of the world do we regard it as more than an emergency arrangement, as a necessary association that must give place ultimately to the higher synthesis of a world league, that here we hold as trustees and there on account of strategic considerations that may presently disappear, and that though we will not contemplate the replacement of our flag anywhere by the flag of any other competing nation, though we do hope to hold together with our kin and with those who increasingly share our tradition and our language, nevertheless we are prepared to welcome great renunciations of our present ascendancy and privileges in the interests of mankind as a whole. We need to make the world

understand that we do not put our nation nor our empire before the commonwealth of man.

It is the unhappy usage of our schools and universities to study the history of mankind only during periods of mechanical unprogressiveness. The historical ideas of Europe range between the time when the Greeks were going about the world on foot or horseback or in galleys or sailing ships to the days when Napoleon, Wellington, and Nelson were going about at very much the same pace in much the same vehicles and vessels. At the advent of steam and electricity the muse of history holds her nose and shuts her eyes. Science will study and get the better of a modern disease, as, for example, sleeping sickness, in spite of the fact that it has no classical standing; but our history schools would be shocked at the bare idea of studying the effect of modern means of communication upon administrative areas, large or small. This defect in our historical training has made our minds politically sluggish. We fail to adapt readily enough. In small things and great alike we are trying to run the world in areas marked out in or before the eighteenth century, regardless of the fact that a man or an army or an aeroplane can get in a few minutes or a few hours to points that it would have taken days or weeks to reach under the old foot-and-horse conditions. That matters nothing to the learned men who instruct our statesmen and politicians. It matters everything from the point of view of social and economic and political life. And the grave fact to consider is that all the great states of Europe, except for the unification of Italy and Germany, are still much of the size and in much the same boundaries that made them strong and safe in the eighteenth century, that is to say, in the closing years of the foot-horse period. The British empire grew and was organised under those conditions, and had to modify itself only a little to meet the needs of steam shipping. All over the world are its linked possessions and its ports and coaling stations and fastnesses on the trade routes. And British people still look at the red-splashed map of the world with the profoundest self-satisfaction, blind to the swift changes that are making that scattered empire—if it is to remain an isolated system—almost the most dangerous conceivable.

H. G. WELLS.

## THE ETERNAL DEMOCRACY

THE wisdom of our forefathers consisted in always making such changes as were needed at any particular time; we may freely add, in never making greater changes than were needed at that particular time. The old path was ever a reform; the ancient customs will ever be found to be far freer than these modern innovations which men whose notion of the good old times does not go back beyond Charles the First, or Henry the Eighth fondly look upon as ancient. If a man will cast aside the prejudices of birth and party, if he will set himself free from the blind guidance of lawyers, he will soon learn how very modern indeed is the antiquity of the Tory. All his idols, game-laws, primogeniture, the hereditary king, the hereditary legislator, the sacred and mysterious nature of anything that is called "Royal Highness," the standing army with its commands jobbed for money—all these venerable things are soon found to be but things of yesterday, by any man who looks with his eyes open into the true records of the immemorial—there are lands in which we may say the eternal—democracy of our race.

The two grand idols of lawyers, the king and the lord of the manor, are soon found to be something which has not been from eternity, something which has crept in unawares, something which has gradually swallowed up the rights and the lands which once belonged to the people. Do I plead for any violent dispossession of either? There is no man from whose mind such a thought is further removed. Whatever exists by law should be changed only by law, and when things, however wrongful in their origin have become right-ful by long prescription, even lawful changes are not to be made hastily or lightly. But it is well to remind babblers that the things which they most worship, which they fondly believe to be ancient, are, in truth, innovations on an earlier state of things towards which every modern reform is in truth a step backwards.

It is well to remind them that the prerogatives of the hereditary king, of the hereditary noble, of the local territorial

potentate, can all of them be historically shown to be encroachments on the ancient rights of the people. It does not follow that anything has to be changed recklessly: it does not follow that anything need be changed at all. But it does follow that none of these things is so ancient and sacred as to be beyond the reach of discussion, that none is so sacred and ancient that it is wicked to think of the possibility of changing it. I see no reason to meddle with our constitutional monarchy—that is, to make a change in the form of our executive government—because I hold that, while it has its good and its bad points, its good points overbalance the bad.

But I hold that a man who thinks otherwise has as good a right to maintain his opinion, and to seek to compass his ends by lawful means, as if it were an opinion about school-boards or public-houses or the equalisation of the county and borough franchise. I respect the kingly office as something ordained by law, and I see no need to alter the law which ordains it. But I can go no further. I cannot take on myself to condemn other nations, nor can I hasten to draw general inferences from single instances. But I do hold that the witness of history teaches us that in changing a long established form of executive government, whether it be the change of a kingdom into a commonwealth, or if a commonwealth into a kingdom, the more gently and warily the work is done, the more likely it is to be lasting.

EDWARD A. FREEMAN.

## THE TEACHING OF HISTORY

(1815-1819)

### A PARALLEL

HE who runs may read the lesson taught by the history of the years from 1815 to 1822. Never has England passed through a more difficult or a more dangerous time. For the guidance, if it may be, of contemporary opinion, let us briefly recall the salient features of the situation. During the years of war (1793-1815) a new England had come into being: the coincidence of prolonged war and the

industrial revolution led to an immense increase in population; there was a simultaneous demand for men for the arts of war and the arts of commerce, and in twenty-two years the population of the United Kingdom increased by 35 per cent. (from 14 to 19,000,000); alone among the countries of Western Europe was she free from the devastation of war; called upon to supply the commercial needs of the whole world she was, thanks partly to her immunity from invasion and partly to the recent developments in manufacturing industry, in a position to respond; her exports rose from £18,336,851 in 1792 to £58,624,550 in 1814; re-exports from 6½ millions to over 19; she had secured, thanks to her sea-power, a virtual monopoly of the carrying-trade; her ships sailed in safety over every sea. Rural England had undergone a transformation hardly less complete than that effected in the towns; the village "community" had been dissolved; the common arable fields had been enclosed and much of common pasture and waste as well; the great landed estates had been consolidated; the yeomen, except in a few districts, had disappeared; copyhold tenure was coming to be regarded as an archaic survival; the cottars had lost or sacrificed most of their common rights; the agrarian hierarchy had emerged and henceforward the typical rural community was to consist of the great proprietor, a small group of substantial tenant-farmers and a number of landless, wage-paid labourers living either in the farmhouses or in cottages. During the war itself there was abounding prosperity, or at least, until the last years, the appearance of it. Prices were high, but money (in irredeemable paper) was abundant, and men were as careless of the inevitable reckoning as they have been during the last four years.

With the conclusion of peace the crash came. Artificial prosperity was followed by corresponding depression. The financial burden imposed upon this country was terribly severe, but until the last years of the war it was cheerfully sustained. The sum annually raised by taxation during the years 1793-1815 averaged no less than £65,000,000 a year, in the last two years the expenditure exceeded £105,000,000. An heroic effort was made to meet it out of taxation, and the tax-revenue was raised from less than £20,000,000 in 1793

to over £72,000,000—the largest sum ever raised by taxation in England until the Crimean War—in 1815. But taxes did not of course suffice to meet the expenses of the war. Hence the charge for debt, which in 1793 amounted to less than £9,500,000, had risen by 1815 to over £31,000,000. The debt itself increased in the same period from £239,663,421 to over £831,000,000. Part of this vast capital burden was due to Pitt's mistaken policy of raising his loans in stock of a low denomination. Between 1793 and 1801 the average price obtained for each £100 of stock was £57 7s. 6d.; during the last twelve years of the war it was £60 7s. 6d. In this respect the financiers of to-day have exhibited greater courage and higher wisdom.

It will not, however, escape notice that the cost of the earlier war was insignificant as compared with the war just ended. During the twenty-three years of the French war our debt increased by little more than three times; during the last five years it has increased more than tenfold; the capital debt in 1815 amounted to no more than £43 15s. per head of the population; to-day it is nearly £174. But to return to 1815. Among the factors which contributed to the prevailing confusion and distress not the least important was the currency disturbance. Since the monetary crisis of 1797 cash payments had been suspended at the Bank of England and an enforced paper currency had been in circulation. As a consequence more than 700 country banks, some of them resting upon very unstable foundations, had sprung up. Of these more than a third stopped payment during the critical years 1814 and 1815. Inflation of the currency was followed by violent fluctuations in the value of gold and in the price of commodities. In 1813 the premium on gold rose to £29 4s. 1d. per cent. and the gold value of a £5 note fell to £3 10s. By 1815 owing to a fall in the premium the same note was worth £4 6s. Under these circumstances trade and agriculture were reduced to a gamble. Contracts became impossible; no one could look ahead for six months, or even for six weeks; neither landlords nor tenants, manufacturers nor merchants, could tell from day to day where they stood. Wheat, in particular, was subject to extreme oscillations in price. In the summer of 1813 it touched 171s. a quarter; before Christmas of the

same year it had fallen to 75s.; in 1815 it averaged 65s. 7d., in 1817 96s. 11d., in 1822 44s. 7d. No industry could stand up against oscillations so sudden and so violent. In the year 1816 the Board of Agriculture issued a circular letter with the object of eliciting information as to the nature and extent of the depression which was unquestionably widely prevalent. The answers amply attest the severity of the crisis. Instead of the fierce competition for farms which in recent years had been the rule, farmers were handing in notices to quit and many farms were unlet; credit was collapsing; mortgagees could not realise; banks were compelled to suspend payment; substantial farmers "went on the parish"; in Dorsetshire, for example, "fifty-two farmers cultivating between them 24,000 acres failed between 1815 and 1820 . . . in Sussex rents fell upon an average 53 per cent. . . . Numerous tradesmen, innkeepers, shopkeepers who depended upon the farmers for their principal custom were involved in the same ruin. War prices," as Mr. Prothero (Lord Ernle) pertinently adds, "were gone, war taxes remained."<sup>1</sup> These were the circumstances which so sorely tried the endurance of the small farmer, and completed the annihilation of the small proprietor. Then it was that the English "yeoman" finally disappeared. From all parts of the country there came similar tales of depression. "I assure you," wrote a county member to Creevey, "the landed people are getting *desperate*; the universality of ruin among them, or distress bordering on it, is absolutely unparalleled" (February 17, 1816).

Manufacturers and merchants were in no better plight. During the war they had enjoyed, for reasons already explained, unwonted prosperity. With the conclusion of peace there came a sudden cessation of demand, a rapid fall in prices, a glut in the labour market, and much unemployment and consequent distress. "The citizens," wrote the Master of the Mint, "have lost all their feelings of pride and richness and flourishing fatness, trade is gone, contracts are gone, paper credit is gone, and there is nothing but stoppage, retrenchments and bankruptcies." Wellesley-Pole did not exaggerate the gravity of the situation.

Another element of confusion was supplied by the reckless

<sup>1</sup> *Pioneers and Progress of English Farming*, p. 91.

administration of the Poor Law. When George the Third came to the throne the total sum expended on the relief of the poor amounted to no more than £1,250,000, or 3s. 7d. per head of the population. During the last five years of his reign (1815-20) it averaged over £7,000,000. A fatal step had been taken by the Berkshire magistrates who in 1795 decided to supplement wages out of the rates. Their example was so generally followed throughout the south of England that the resolution of the local justices became known as the "Speenhamland Act." The "Act" contained an elaborate schedule by which income was to be made proportionate to family. The resolution may have been inspired by mistaken sympathy, or perhaps by political panic; be that as it may, the economic results were disastrous. The policy then adopted served still further to stimulate population; to encourage idleness; to depress wages, and to render still harder the hard lot of the thrifty and self-respecting labourer. From the seed flung carelessly broadcast at the close of the eighteenth century we reaped, in the second and third decades of the nineteenth, an abundant harvest of demoralisation and misery.

To economic confusion were added the elements of social disorder and political unrest. As William Cobbett wrote in the *Political Register* for December, 1815: "When men are in distress they are out of humour, they have not time and are not in a disposition to listen to reason." Because bread was at famine prices the existing supplies of wheat were further diminished by incendiaries. Because work was scarce machinery was smashed and factories destroyed. From all parts of the country came reports of violence and crime. Barns and ricks were burnt to the ground; thrashing machines and other agricultural implements were flung into the flames; bakers' and butchers' shops were sacked and angry crowds demanded "bread or blood"; cargoes of wheat and potatoes intended for export were seized and distributed. Nor was disorder confined to the rural districts. The Tyneside colliers; the Preston cotton-weavers; the Wiltshire clothiers; the ironworkers of Staffordshire and Monmouth; the jute-workers of Dundee—all alike were in ferment, demanding more employment, higher wages and cheaper food.



The agitation began to assume a political complexion. "Chartism," foreshadowed in 1780 in the *Society for Constitutional Information*, but postponed by the outbreak of revolution in France, again raised its head after the peace of 1815. With the cry for more work and cheaper food there began to mingle demands for universal suffrage, annual parliaments, vote by ballot and so on. Political clubs sprang up like mushrooms. The "Hampden" Clubs, founded in 1815 by Major Cartwright, stood for constitutional reform. The "Spencean Philanthropists" preached communistic doctrines to hungry mobs. Demagogues like "Orator" Hunt, brilliant pamphleteers like William Cobbett, added fuel to the flames, and Byron exhausted his powers of mordant sarcasm in pouring contempt upon the reactionary Tory government.

The situation by which the rulers of England were confronted after the conclusion of the Napoleonic war was, in truth, sufficiently difficult and menacing: trade suddenly arrested after a period of abnormal and largely artificial inflation; a labour market dislocated and congested; a gigantic debt; a falling revenue; a disordered currency; a peasantry demoralised by reckless administration of relief; a populace discontented and ripe for disturbance; all classes involved in a common ruin: landlord and farmer, capitalist and manufacturer, banker and merchant, shopkeeper, artisan and agricultural labourer.

Of the outstanding features of 1815 how many have failed to reproduce themselves in 1919? Between the situations then and now there is indeed a striking parallel. Now, as then, there has been destruction of wealth on a colossal scale; vast expenditure upon objects which are economically valueless; administrative machinery hurriedly improvised and therefore recklessly extravagant; trade artificially stimulated by the demands of war and now feverishly anæmic; enterprise checked by the continuance of control yet doubtful as to the effects of its removal; production paralysed by lack of facilities, by shortage of raw material, above all, by the exorbitant demands of labour; capital withheld by apprehensions as to the stability of the social and economic fabric; labour profoundly suspicious as to the good faith of the *entrepreneur*; docks and railways

congested; rising prices; a gravely inflated paper currency; a terrible burden of taxation; a gigantic debt; supplies and services heavily subsidised out of the pockets of the taxpayer; some of the worst features of outdoor relief reproduced under the less deterrent disguise of unemployment donation; the cost of the primary requisite of machine-production extravagantly raised by wage-concessions, by curtailment of hours, by diminished output; a waning faith in the virtues of representative democracy, an unabashed advocacy of the methods of anarchy and the weapons of revolution. Such was, such is, the aftermath of war.

Yet the teaching of experience is not wholly in the direction of pessimism! To an onlooker in 1815 the prospect must have seemed at least as dark and doubtful as to the onlooker to-day. Our forefathers had to undergo a seven years' probation after Waterloo. But the probation proved to be a prelude to a period of unexampled prosperity. Brilliant as was the success of Britain in the eighteenth century; rapid as was the expansion of the Empire, and wonderful as was the advance in agriculture and industry, these things were almost insignificant as compared with the development of the empire and the progress of the nation after 1815. At home, things began to mend with great rapidity from 1822 onwards. The first and not the least important step was taken largely on the advice of Peel, who persuaded parliament to permit the resumption of cash payments in 1821. Nothing contributed more powerfully to the stability of English commerce and the maintenance of English credit than this restoration of a gold currency. The same statesman was responsible for the reform of the criminal code and of criminal procedure; for the improvement of the condition of the gaols and the establishment of an efficient police force. While Peel was busy at the Home Office, Huskisson was initiating a series of far-reaching fiscal and commercial reforms and "Prosperity" Robinson was bringing order and simplicity into the national accounts, limiting taxation, diminishing debt and taking advantage of the improved national credit to effect a conversion of the 4 per cent. annuities. The Combination Acts of 1824 and 1825 did something to meet the just complaints of "labour," while a fresh impulse was given to foreign trade by the gradual

repeal of the Navigation Laws and the partial relaxation of the Corn Laws. The official value of the imports rose from £32,438,650 in 1820 to £46,245,241 in 1830; of the exports from £48,951,537 to £69,691,303. The financial crisis of 1825-26 put a healthy check upon an over-rapid expansion of trade, but did not arrest the general recovery.

But it would be tedious to pursue the tale. Are we justified in drawing an optimistic moral from the recital? My own belief is that if the nation can be induced to face squarely and honestly the facts of an awkward situation we shall emerge from our present difficulties as we emerged from those which threatened to engulf us in 1815. There are factors in the contemporary situation which were not present a hundred years ago, and it were the height of folly to ignore them. The first is the difference in the form of government. In 1815 Britain was under the rule of a genuine Aristocracy. It is a form of government which has had few friends among political philosophers, but it served us better than the court chaplains of democracy are willing to admit. No sane person, however, proposes to go back to it. For good or ill democracy—and a more extreme type of democracy than any great nation has ever before evolved—is in the saddle, and unless displaced by something infinitely worse, will remain there.

J. A. R. MARRIOTT.

## CIVIL, PERSONAL AND POLITICAL LIBERTY

### I.—DEFINITIONS OF LIBERTY

“The liberties of nations are from God and nature, not from kings.”

ALGERNON SYDNEY.

MANY definitions have been given of liberty. But none of these are comprehensive enough; and indeed liberty is not all of one kind. A nation may have one kind, and be quite deprived of another. The greatest advantages, however, which a community can procure to itself, by uniting under

one government, may, perhaps, be contained under the titles of Civil Liberty, Personal Liberty, and Political Liberty.

By Civil Liberty, I mean the power of doing that, and that only, which is not forbidden by the laws. This definition comprehends the security of person and of property.

By Personal Liberty, I mean the power of doing that which in itself is harmless, as speaking or writing, and of which the abuse only is criminal. Religious freedom and eligibility to office may also be comprehended under this head.

By Political Liberty, I mean the acknowledged and legal right of the people to control their government, or to take a share in it.

Each of these kinds of liberty should be allowed to exist in as great a proportion as possible. They were all comprehended by Cromwell's Representative under the names of "the peace and security, the rights and privileges of the people."

## II.—CIVIL LIBERTY

"The laws of England are the birthright of the people thereof; and all the kings and queens who shall ascend the throne of this realm, ought to administer the government of the same, according to the said laws; and all their officers and ministers ought to serve them respectively according to the same."—Statute 12 and 13 Will. III. c. 2.

Civil liberty comprehends the security of person and property. For if a man is only allowed to do that which the law permits, he is liable to punishment should he raise his hand against his neighbour in violation of law; and if he is free to do all that the law does not forbid, he cannot be called in question for a legal exercise of his rights.

"In walking over a large field with about thirty attendants and slaves, Hassan told the owner that he had done wrong in sowing the field with barley, as water-melons would have grown better. He then took some melon-seed out of his pocket, and giving to the man, said, 'You had better tear up the barley, and sow this.' As the barley was nearly ripe, the man, of course, excused himself from complying with the Kashef's command. 'Then I will sow them for you,' said the latter; and ordered his people immediately to tear

up the crop, and lay out the field for the reception of the melon-seed. The boat was then loaded with the barley, and a family thus reduced to misery, in order that the governor might feed his horses and camels for three days on the barley-stalks." <sup>1</sup> Every one must feel that, in a country where this could happen, there can be no security for property.

Tavernier tells us of a king of Persia, who ordered the heads of all the beasts he had killed in one day's chase to be set up in the form of a pyramid. When it was done the architect came and told him that the pyramid was complete, with the exception of one large head for the summit. "I think yours will do very well for that," said the king; and to this brutal joke sacrificed an innocent man. In such a country there can be no security for life.

When Athens was in its splendour, there arose that detestable class of men, who gained their livelihood by informing against the best and worthiest of their fellow-citizens, and holding out to the rapacity of a sovereign mob the temptation of a rich forfeiture. It should never be forgotten by those who are disposed to admire a democratic government, that the word *sycophant* had its origin in the most popular of all democracies.

Nicophemus and Aristophanes, public functionaries, were accused of malversation. On some change in the government, they were imprisoned, and secretly made away with without a trial. Their property was confiscated. The amount disappointing the greedy accusers, a prosecution was instituted against the brother of the widow of Aristophanes for embezzling the sum that was deficient. What is the language of his advocate upon his trial? An appeal to feelings of justice and generosity? No: he plainly intimates the rapacity of the judges. "I know how difficult it will be," he says, "to refute the received opinion of the great riches of Nicophemus. The present scarcity of money in the city, and the wants of the treasury which the forfeiture has been calculated upon to supply, will operate against me." <sup>2</sup>

During the reign of terror in France, men were put to death for relationship to suspected persons, for acquaintance

<sup>1</sup> Burckhardt's *Travels in Nubia*, vol. i. p. 94.

<sup>2</sup> Mitford's *History of Greece*, vol. v. p. 96.

with the condemned, for having wept at the death of the king, and a thousand vague and trivial offences.

Thus unlimited despotism and uncontrolled democracy are found to be equally unfavourable to the existence of civil liberty. The examples I have adduced are extreme cases; but in every state, where either the monarch, the aristocracy, or the multitude is allowed to have exorbitant power, civil liberty is incomplete: that is to say, a subject of such a government cannot be sure that, even when he obeys all the laws, he may not be taxed or imprisoned by arbitrary mandate. Witness the gabelle and the Bastille of the French monarchy, the prisons of Venice, and the banishments of Florence. All these states were professedly under the government of laws, but to some of their citizens, these laws were but a shield of paper. It may, however, generally be observed, that the violations of justice in a monarchy are more frequent; in a democracy, more striking. It seems more natural and tolerable that a king, revered as a kind of superior being, should oppress a slave, than that an assembly of freemen should maltreat an equal.

Let us now see how civil liberty is provided for in England. It is declared by the king, in Magna Charta, the earliest and the best law upon our statute-book, that no freeman shall be any way destroyed, unless by the judgment of his peers, or the law of the land: "Nullus liber homo aliquo modo destruat, nisi per legale iudicium parium suorum, aut per legem terræ." This admirable law, however, was frequently violated in times of disorder. It was renewed very frequently; but notwithstanding these renewals, and the claims of the Petition of Right, the subject had no effectual remedy against wrong, till a law of Charles II. provided means for an easy execution of the ancient writ of Habeas Corpus. This Act, well known by the name of the Habeas Corpus Act, commands, that upon written complaint from or on behalf of any person confined in prison, except on a charge of high treason or felony, the Lord Chancellor and the judges shall, upon pain of forfeiting the sum of £500, deliver a writ, ordering him to be brought into court. The writ is to be delivered, and the prisoner is to be brought into court within twenty days; and if his offence is bailable, he is to be discharged upon offering bail, and entering into a recognisance

to appear at his trial. If his offence is charged as treason or felony, and if the prosecution is not followed up within the second term after his commitment, he is to be discharged. If no offence is specified in the warrant of commitment, his imprisonment is illegal, and he must be instantly discharged. Besides this protection, the judges go into the country twice every year, with a commission of gaol-delivery for clearing all the prisons. These securities, however, availed not against James II., who employed the island of St. Nicholas, in Plymouth harbour, for a state prison, in the same manner as Cromwell had before made use of the isle of Jersey. Since the Revolution, the Act of Habeas Corpus, when in operation, has always been found of power to protect the subject. Of the suspensions of that law, I shall speak hereafter; I would now remark only, that the suspensions prove the practical efficacy of the Habeas Corpus Act, as much as the renewals of Magna Charta prove the practical inefficacy of that great compact. All the precautions taken to prevent arbitrary imprisonment would, notwithstanding, be worth nothing if the trial when it took place could be unfairly and oppressively conducted. To prevent so dreadful an evil, we have the institution of trial by jury. The sheriff, a man of substance in the county, returns from twelve to twenty-three freeholders (usually men of property), to serve as a grand jury. To them a bill of indictment, or accusation, is preferred; they examine witnesses in support of it; and unless they find probable grounds to proceed upon, the bill of indictment is thrown out, and the prosecution cannot be persisted in. To form the second, or petty jury, who are to try the cause, the sheriff returns the names of freeholders, or persons otherwise qualified according to law, to the number of not less than forty-eight, nor more than seventy-two. The names are put into a glass, and the twelve first drawn form the jury. At this period, the prisoner may challenge any whom he can reasonably accuse of partiality, or whose characters have been degraded by the sentence of a court of justice. In treason, he may challenge peremptorily thirty-five. When the trial is over, the twelve jurymen remain enclosed together without separating or conferring with others, till they can deliver a unanimous verdict.

Nothing can appear less perfect in theory than the

institution of trial by jury. What can be more liable to abuse, it may be said, than the choice given to the sheriff, an officer appointed by the crown? What more prejudicial to an accused person than the previous decision of twenty-three men of wealth and figure, formed upon hearing one side of the question only? What more likely to create confusion of right and wrong, than to require a unanimous verdict, and thus make the guilt or innocence of a prisoner depend on the mental incapacity, the moral obstinacy, or even the physical strength of a single juror? These objections I shall not attempt to answer; the veneration which the English have for trial by jury, like the admiration they entertain for Shakespeare, must be taken as a practical proof of its excellence; and it would be as absurd to attempt to demonstrate that a people long free attribute their freedom to a slavish institution, as to endeavour, like Voltaire, to prove that a people long civilised admire barbarous and ridiculous poetry. It must be admitted, however, with respect to trial by jury, that it is liable to be perverted in bad times, and that the condemnation of Sydney was an act which equalled, if it did not surpass in violence, the attainder of Strafford. This institution, therefore, is rather an instrument of liberty in her prosperity, than a protector in her adversity; it is to be trusted as the companion, but not to be relied upon as the survivor of free parliaments, and a free press. During the reigns of Henry VIII. and Charles II. juries were effectually perverted, and became the submissive organs of tyranny. But, since the Revolution, the general respect that has prevailed for right and justice, has prevented abuse, and, upon the whole, juries have kept the balance even between the safety of government and the liberty of the subject.

Trial by jury leaves, properly speaking, but little power to the judge. When the trial is over, the judge recapitulates the evidence, and explains the law upon the subject. The decision upon the facts is left entirely to the jury. If they find the prisoner guilty, the judge pronounces the sentence affixed by law. This arrangement, the best ever imagined, leaves nothing to the judge but what is absolutely required, and cannot easily be abused. It is necessary, for the sake of regularity and accuracy of judgments, that someone present should have that knowledge of the laws, which can



only be acquired by long and exclusive study; and it is much better that he should speak on the trial, than that he should assist at the decision, for numbers are ready at the bar to observe lest he misrepresent the law.

Notwithstanding this proper division, juries, in the time of Charles II., were controlled and dictated to by court judges, who were appointed and removed in proportion to their subserviency. To prevent this abuse, an Act was passed, early in the reign of King William, providing that judges should be appointed during good behaviour, and should be removable only by addresses from both houses of parliament, an Act which completely answered the purpose of making the judicial power independent of the executive, and gave an authority to the name and character of an English judge, which it had never before possessed. We must not forget, however, that there is yet another security which is, perhaps, more valuable than any. The trial is public, and the accused is brought face to face with his accuser, before the country. This publicity controls both judge and jury.

Security of property is also well provided for. By a law of Edward I. it was enacted, that no aids or taxes should be taken from the subject, but by common assent of the realm. What this means we shall see in a following chapter. It having been found, notwithstanding this law, that the king, by means of the Star Chamber, was able to impose arbitrary penalties, it was enacted in the law which abolished that tribunal, that it should not be lawful for the king in council, by English bill, or any arbitrary way whatsoever, to call in question the property of the subject.

The courts in Westminster Hall, the circuit of the judges in the country, the body of the magistrates, consisting of the principal gentlemen of the county in which they act, giving their perpetual attendance at home, and meeting in quarter and petty sessions to administer the law gratuitously,<sup>1</sup> are all instruments engaged in executing that noble article of the Great Charter: "We will not deny, or delay, nor sell right or justice to anyone." We have reason to rejoice in the

<sup>1</sup> I have inserted this word, as we hear the unpaid magistrates so highly praised for disinterestedness. They have power, however, for their trouble, and a power which the barons of old struggled so hard to possess and exercise.

observation of De Lolme, who remarked with pleasure, within the precincts of the king's residence at Windsor, inscribed in an enclosed space: "Whoever trespasses on these grounds, will be prosecuted according to law"; thus claiming for the king the common security of the poorest cottager in the land. Nor has it been found, that the exalted station of the royal family has ever enabled them to trespass on the property, or disturb the private rights of individuals.

### III.—PERSONAL LIBERTY

"Per me ho adottata nell' intero la legge d'Inghilterra, ed a questa mi attengo; nè fo mai nessuno scritto che non potesse liberissimamente e senza biasimo nessuno dell' autore essere stampato nella beata e veramente sola libera Inghilterra. Opinioni, quanti se ne vuole: individui offesi, nessuno: costumi, rispettati sempre. Queste sono state, e saranno sempre le sole mie leggi; nè altre se ne può ragionevolmente amettere, nè rispettare."—ALFIERI, *Vita*, t. ii. p. 133.

Next to civil liberty, in the order I have laid down, comes personal liberty. By personal liberty, I mean the freedom from restraint upon actions which are not criminal in themselves. The chief liberties of this class are the freedom of speaking and writing, and freedom of conscience in matters of religion. The absence of all exclusive personal privileges, such as signorial rights, exemption from taxes, monopoly of civil and military offices, must be reckoned also in this class; for that which is a privilege to one class of men is a restraint upon another.

The liberty of speaking and writing was allowed in ancient times, not only in free states, but wherever despotism fell into the hands of a mild sovereign; and so palling to the ear is the continual monotony of praise, that in the absolute kingdom of Persia, where the sovereign is thought to be the very image of the Divinity, a jester was always kept, whose business it was to tell the truth, and yet to tell it in such a way that the king might, if he pleased, laugh at the fable, and neglect the moral. The fool of modern kings was a creature invented for the same purpose. Such were the devices which sovereigns adopted for the sake of hearing a little free observation, at a time when nations were divided into the court

and the country. The court never spoke of the king's actions but to praise them, and the country never spoke of them at all. Such was still the state of Europe when Machiavel wrote *The Prince*, and he takes it for granted, in that much-debated work, that the mass of the people can be kept wholly ignorant of the real character of their sovereign. The progress of knowledge has overturned the basis of his whole system, and were Machiavel to write at this day, he would probably recommend to kings a totally different line of conduct.

The policy pursued by the governments of Europe in later times has been extremely various. Austria and Spain long assumed as a principle that, as a general freedom of discussion must produce much calumny on private persons, much seditious writing against authority, and much matter offensive to morality and religion, it is prudent for the state, and humane to the writers, to place the press under the guardianship of censors appointed by the government. By this method, it was asserted, all fair and temperate discussion may be allowed; libels are crushed in the egg, before they have worked mischief; and public justice is spared the necessity of inflicting severe punishment. But in fact there is no method of restraining the abuse of the press previous to publication which does not control the use: the imperfect civilisation of Austria and Spain bear witness to this truth. The government of France, without sanctioning so strict a system of ignorance as that of Spain, refused to allow publication without restraint. But the mitigated prohibitions of the French censors in some degree contributed to spread the false notions which obtained vogue at the beginning of their revolution. Everything might be attacked by an equivocal jest, although nothing could be combated by direct reasoning; and the able writers of the last century soon found that the best institutions were as open to a sneer as the grossest abuses. General declamation and affected sentiment were allowed, till the opinions of men fell into general confusion. At length the throne was shaken, the altar sapped, and a mine ready to burst under their foundations, before anyone had had a fair opportunity of urging an argument in their behalf. The policy of England has been, since the Revolution, completely the reverse both of the Spanish and the French. During the reign of Elizabeth, as

we have seen, the most severe punishments were awarded to libellers. During the reign of James I. and the early part of Charles I., a censorship was established by means of a License Act. Cromwell adopted the same policy, which was continued by Charles and James. The License Act of the latter expired in 1694, and has never been renewed. The government of England thus deliberately, not in the heat of the Revolution itself, but without clamour, without affection, without fear, and at once, adopted a free press. The principle then sanctioned is, that as speaking and writing and printing are things in themselves indifferent, every person may do as he pleases, till, by writing what is calumnious or seditious, he offend against the laws. That a great advantage is offered to personal liberty by the existence of a free press, is what no man can doubt. Reflection may convince us that this liberty is also beneficial to the community at large. Genius can never exert its powers to their full extent when its flight is limited and its direction prescribed. Truth can never be ascertained when all discussion is regulated by those who hold the reins of government, to whom the discovery of truth is not always acceptable. Neither is it true, as some foreigners imagine, that no government can withstand the daily attacks of the press. Men know when they are prosperous, and although they love to grumble at their rulers, the most brilliant rhetoric will not persuade a nation already in possession of liberty that it is wise to risk a civil war in order to obtain a change in the form of government. Popular clamour, if it be no more than clamour, is more noisy than formidable, and by a wise, beneficent government may be safely endured. The slanderous whisper of the Emperor of Rome's courtiers was ten times more dangerous to a good minister than is the angry hubbub of the King of England's people.

The right of petition is another right by which men are enabled to express their opinions, and to set forth their grievances. When Charles II. was engaged in a contest with his parliament, this right was much discountenanced; and it was therefore declared by the Bill of Rights—"That it is the right of the subject to petition the king, and that all commitments and prosecutions for such petitioning are illegal." This right is still a very important one.

The rights we have now been stating, viz., those of printing and petitioning, invest the people with no actual power or authority. But they are of infinite importance in controlling and guiding the executive power. The influence of a free press, however, has never been so thoroughly felt as it is now, and therefore, till I come to recent times, I shall defer any further observation respecting it.

We come next to religious liberty, upon which subject the authors of the Revolution did as much as they could, and by their maxims laid the foundation of much more.

We have seen how little of the spirit of charity and forbearance mixed with the Reformation of Henry VIII. It is painful to think that Cranmer continued the same severity during the short reign of Edward, and that an unfortunate woman was burnt for some incomprehensible refinement respecting a mystery of our faith.

When the Papal power was for the second time overthrown by the accession of Elizabeth, no progress was made towards the establishment of religious liberty. From this time dates the great schism amongst the English Protestants, known, according to their respective parties, by the names of Puritans and Conformists. A congregation of refugees, settled at Frankfort in the reign of Queen Mary, omitted in their worship the Litany and some other parts of King Edward's liturgy. A Dr. Coxe arriving there from England, interrupted the service by a loud response, omitted in the new form of prayer. After some contest, and some expedients not quite worthy of the cause of religion, he succeeded in driving his opponents from the place, and establishing the liturgy of Edward. Other congregations, however, had made similar reforms, and when the exiles returned to England there arose an open difference between the Conformists, among whom were Grindal, Parker, etc., and the Puritans, who reckoned among them John Knox, Bale, Fox the author of the *Book of Martyrs*, etc. The chief deviations introduced by the Puritans in practice respected the use of the surplice, the cope, the cross in baptism, and kneeling at the communion; but in principle there was a much wider schism. The Conformists acknowledged the Church of Rome as a true church, though corrupted; and they maintained that the king, as supreme head of the church, had authority to

correct all abuses of order and worship. The Puritans abjured the Church of Rome altogether, and contended that it belonged not to the king, but to assemblies of the reformed clergy, to pronounce upon ceremonies and worship.<sup>1</sup>

It is not surprising that Elizabeth should have warmly espoused the cause of the Conformists. Naturally inclined to the splendours of the Roman Catholic service, and fully impressed with the weight of her authority in the church as well as in the state, she proceeded to punish the adverse sect. In doing this she acted upon a principle common to both sides—that uniformity of faith and uniformity of worship were absolutely necessary. Agreeably to these notions, she obtained an Act of Parliament for instituting a Court of High Commission, and invested them with powers of fine and imprisonment, which the law had not granted. She offered bishoprics to Miles Coverdale, Knox, and others of the Puritan faith, but in vain; nothing, she found, could shake their constancy. Many of the most upright reformers attested their sincerity by their deaths. Barrowe, Greenwood, and Penry were amongst the most distinguished of the reformers capitally punished for their religious or ecclesiastical faith.

James I., very soon after his accession, gave a sufficient warning that he was an enemy to toleration. For, having appointed a conference at Hampton Court between the Conformists and the Puritans, he took upon himself to manage the controversy for the former, and after three days' dispute, speaking amid the applause and flattery of the clergy, he turned to their opponents and said, "If this be all your party have to object to the established religion of this kingdom, I will make them conform, or expel them out of the land."

He was as good as his word. The Court of High Commission required the Dissenters to appear before them, and to affirm solemnly upon oath that which they could not conscientiously believe. Ruinous fines and long imprisonments were the penalties of disobedience. One person, accused of denying the divinity of Christ, and another charged with sixteen heretical opinions, were burnt alive.

Oliver Cromwell was raised by a sect which, the first in England, perhaps in Europe, made toleration a part of its

<sup>1</sup> Neale's *History of the Puritans*, vol. i. p. 144.

doctrine. But it was a toleration of opinions, like the Presbyterian toleration of vestments, intended chiefly for their own convenience. Cromwell himself, who probably carried as far as any man of his day a wish for indulgence, yet in the Instrument of Government, after a solemn declaration in favour of religious liberty, finishes the article on this subject by expressly excluding Papists and Prelatists from the benefits of the general freedom. Thus, with liberality in profession, the law, in fact, authorised persecution.

The declaration of Charles II., from Breda, offered new hopes of a mild and conciliatory system. But such hopes were grievously baffled by the laws passed soon after his accession. Those who attended any meeting for religious purposes "in any other manner than was allowed by the liturgy or practice of the Church of England," were punished for the first offence by £5 fine and three months' imprisonment; for the second, by £10 fine and six months' imprisonment; and for the third, by transportation, and death in case of return. By the Five Mile Act, dissenting clergymen were forbidden to preach within five miles of a market-town. During the last years of Charles, these laws against Dissenters were rigorously enforced.

At length, by the Act of 1 William and Mary, c. 18, intituled "An Act for exempting their majesties' Protestant subjects, dissenting from the Church of England, from the penalties of certain laws," commonly called the Toleration Act, all persons who took the oaths of allegiance and supremacy, and subscribed the declaration against Popery, were exempted from penalties; and meeting houses were regularly registered, provided the service was performed with doors unlocked. Since that time the Protestant Dissenters of England have been allowed to perform their worship in the manner which they think most acceptable to God. At the same period, an attempt was renewed which had been made in the reign of Charles II., to bring about a reconciliation between the Conformists and Dissenters. In this pious work, called the "Comprehension," Tillotson and Burnet took an earnest and Christian share. They proposed to amend the liturgy in several points; to divide the services; to leave out parts of the prayers which had given offence, and, by a few wise and reasonable concessions, to restore to the Church

a large multitude of her banished children. Articles for this purpose were prepared; but the clergy in convocation defeated these benevolent schemes, and insisted on exclusion and discord.

Among the concessions made to religious liberty, there were none in favour of the Roman Catholics. On the contrary, new laws were passed, of excessive severity, tending to render the Roman Catholics poor and ignorant, heaping penalty upon penalty, and making them, as it were, slaves among a nation of freemen. Yet it must not be supposed that a nation so humane as the English acted in this harsh and unusual spirit of bitterness without deep provocation. The reigns of Elizabeth, of James I., of Charles II., and of James II. had been disturbed by Roman Catholic plots more or less sanguinary, some using as their means the assassination of the sovereign, others the introduction of a foreign army, but all tending to extinguish the liberties, and destroy the independence, of England. That the precautions adopted by the English parliament were wise, I will not affirm; but I cannot deny that they were the result of many injuries.

Under the head of personal liberty should be placed eligibility to offices civil and military. The policy of the great states of the world has been often narrow, illiberal, and unjust, upon this branch of true freedom. Rome excluded for centuries her plebeian genius and valour from the rewards due to distinguished services. Modern France, at first, by custom of administration, and afterwards by positive edict, closed the door of military eminence to all ambition that was not of noble descent. Venice gave the command of her fleets to her patricians, and of her armies to strangers. England rejects all these odious distinctions of class and birth. The ploughman's son may climb to the command of her military and naval forces; to the post of Lord High Chancellor, or the dignity of Archbishop of Canterbury. This just and wise equality has amply rewarded, by its effects, the state which established it. Not only has England reaped the benefit of talents which would otherwise have been lost in obscurity, but, by this impartial share in the dignities of the state, society, instead of forming two hostile classes of noble and plebeian, has been united in one compact power. In a well-known conference between the Lords and Commons, it was



stated by Lord Somers, and other managers on the part of the Lords, that there can scarcely be a more unhappy condition for an Englishman, than to be rendered incapable of serving his country in any civil or military office. It must be observed, however, that religious disabilities have been well known to the law of England. Protestant Dissenters were excluded from office by the Test and Corporation Acts. And although, for more than a century, they have been tacitly admitted, by an Indemnity Bill passed every year, in favour of any who may have omitted to take the oaths, their freedom cannot be said to have been complete before the year 1828. The Roman Catholics, it has already been observed, were likewise excluded from all power. By the various Acts of Charles II., William III., and Anne, all offices, civil and military, and even the doors of the Houses of Lords and Commons, were shut against them. It was not till 1829 that these barriers were opened, and Roman Catholics admitted to parliament and the leading offices of the state.

#### IV.—POLITICAL LIBERTY

“ I believe the love of political liberty is *not* an error; but, if it is one, I am sure I shall never be converted from it, and I hope you never will. If it be an illusion, it is one that has brought forth more of the best qualities and exertions of the human mind than all other causes put together; and it serves to give an interest in the affairs of the world, which without it would be insipid.”—Fox, *Letter to Lord Holland*.

The two kinds of liberty of which we have spoken, viz. civil and personal liberty, have existed to a certain degree in states which we usually term despotic. The monarchies of modern Europe have all been more or less governed by fixed laws, deriving their sanction from prescription. The monarchy of Prussia, which is altogether unlimited, allowed, from the time of Frederick II., great latitude of religious and political discussion.

It is clear, however, that the definition of liberty, which describes a man as free who is governed by laws, is incomplete. So long as the supreme power of the state is placed in hands over which the people have no control, the tenure of

civil and personal liberty must be frail and uncertain. The only efficient remedy against oppression is for the people to retain a share of that supreme power in their own possession. This is called political liberty. And what is called a love of liberty, means the wish that a man feels to have a voice in the disposal of his own property, and in the formation of the laws by which his natural freedom is to be restrained. It is a passion inspired, as Algernon Sydney truly says, by Nature herself. In the manner of exercising this power, and satisfying this desire of the people, and in the portion of control retained by them, free states have differed; and in these forms consist their respective constitutions.

Authors who have written upon these subjects have distinguished three powers, viz. the Judicial, the Legislative, and the Executive. These powers, they maintain, ought to be separated. But the Legislative and the Executive never have been, and never can be so thoroughly. The Judicial, indeed, which, properly exercised, means nothing more than applying general rules or laws to particular cases, with a careful exercise of discrimination, may be so separated; and we have already seen that, in the English Constitution, this division has been very wisely made.

The Judicial Power in England is, as we have seen, placed in the hands of persons rendered independent of the crown by the law of William III., which makes them removable only upon an address by the two houses of parliament. Since that time the character of English judges has been held in deserved estimation:—of their personal integrity, and their conscientious attachment to the law, no doubts or suspicions have been entertained. The corruption of Tressilian and the unprincipled violence of Jeffreys have never been repeated. The utmost that can be said is, that, historically speaking, the judicial bias in political causes has been naturally and inevitably in favour of the crown. Anyone who follows the state trials, will perceive that the judges, in their interpretations of law, and still more in their sentences, reflect too lively an image of the inclination of the government of the day; mild when the minister is moderate, severe when he is intemperate. Such has been the fault of the judges of England; but one which, seldom

pushed to any great extent, even in language, and never to any violent or palpable misconstruction of law, is perhaps as slight a stain upon the ermine of justice as human nature will permit. Happily, too, precedents are now so numerous, and so carefully recorded, that a judge cannot, in the face of the Bar and of the country, very greatly deviate from the line of duty. Hence, the confidence of the people in the impartial distribution of justice still remains entire; so much so, indeed, that he who takes a view of our imperfect code, together with the attachment borne to it by the people, will see that the honest administration of the law reconciles the country to many defects in the law itself.

The two other powers may be properly called the Executive and the Deliberative. The term Legislative implies merely making laws, which, in no state that I remember, has been totally disjoined from the Executive. These two powers are, in fact, in every constitution, continually influencing and acting upon each other. In parliament composed of king, lords, and commons, resides the supreme government of this nation: the two houses of parliament constitute the great council of the king; and upon whatever subject it is his prerogative to act, it is their privilege to advise. Acts of executive government, however, belong to the king; and should parliament not interfere, his orders are sufficient. In legislation, nothing is valid, unless by the concurrence of all three.

The three branches of the legislature form what has been called the balance of the constitution: it would have been more just to have compared them to what is called in mechanics, a combination of forces; for the combined impression, the *vis impressa* received from the three powers, decides the direction of the whole.

The House of Commons, as it has before been observed, was intended to represent the people at large; and up to the time of the Revolution, it had been found to do so sufficiently well. Even the pensioner parliament of Charles II. had, in its last days, spoken fairly the sense of the people. In the beginning of William's reign, therefore, the House of Commons may be considered as a just representative of the nation.

The next element of the legislature was the House of Lords.

The peerage serves two great purposes in our constitution.

First, it is a great and splendid reward for national services, whether by sea or land, in the navy or the army, in the king's council or on the judge's bench: it places a stamp upon eminent merit, and constitutes the posterity of the ennobled person a perpetual image of his achievements, and a memorial of their recompense. Secondly, the House of Peers collectively form a council for weighing, with caution and deliberation, the resolutions of the House of Commons. If the more popular assembly is sometimes led away, as it is natural it should be, by sudden impulses or temporary clamour, this hereditary senate may interpose its grave and thoughtful opinions, to suspend the effect of an intemperate vote. In the possession of such an assembly, indeed, consists the difference between a constitution of pure democracy and one of mutual control. The United States of North America, therefore, which is strictly a government of mutual control, is not without its Senate, as well as its House of Representatives.

Such is the Parliament or deliberative power of England.

The next object of importance to a state is, to place, in hands worthy to hold it, the power of negotiating treaties; of deciding upon foreign relations; of directing, in time of war, the operations of fleets and armies; and, in short, all that is called the Executive Power. This power has been generally disposed of in one of two ways.

The first is, that of putting it into the hands of one person, called an Emperor, Sultan, or King, without any control. The obvious disadvantage of this mode is, that talent is not hereditary; and, as it was well put by Lord Halifax, "no man chooses a coachman because his father was a coachman before him." It is a necessary consequence of this form of government, that the peace and security of the state entirely depend upon one ill-educated man; for it is extremely difficult, if not impossible, that, in an absolute monarchy, a king should receive a good education. All his passions and all his follies are indulged; his ignorance is called genius, and his imbecility wisdom.<sup>1</sup> But, above all, no object can be offered to him that can excite labour or emulation. Other

<sup>1</sup> "Bred up in ignorance and sloth,  
And ev'ry vice that nurses both."—SWIFT.

men, whether nobles or artisans, can only be distinguished from amongst their equals by the excellence of their moral character, the superiority of their talents, the wealth they have inherited or acquired, or the advantages they have derived from industry. But a king, without any exertion, moral or intellectual, is placed above everyone. Hence, in utter dearth of all useful ambition, he tries to be celebrated by driving,<sup>1</sup> or fiddling, or some other art of easy attainment; or else, which is much worse, he aims at fame by commanding armies, and destroying provinces. The state, in the meanwhile, totally under his guidance, becomes weak with his weakness, vicious with his vice, poor with his extravagance, and wretched from his ambition. Absolute monarchy, then, is a scheme for making one man worse than the rest of the nation, and then obliging the whole nation to follow his direction and example.

Another method of providing for the government, which is at least more plausible, is that of putting the executive power in the hands of a citizen, elected to office for a certain period, and subject to the control of the people at large.

The inconvenience of this method is, that he who has once attained to so high a station, and has become in undisputed pre-eminence the first person in the state, naturally endeavours to retain power for a longer time than it was granted, and even for his life. But even if he should unite, what is very seldom united, a desire of performing great actions with a just fear of infringing the liberties of his country, yet the minds of men are naturally so suspicious that, no sooner has an eminently gifted citizen raised himself above his fellows, than they suspect him of a desire of making himself absolute, and dispense with his services, that they may not be obliged to pay them with their liberty. On one or other of these rocks, if not both, nearly all democracies have split. Athens banished her best citizens by the ostracism. Rome drove from her Camillus, Coriolanus, Marius, and, above all, Scipio; and yet fell at last a victim to Cæsar's military power, and his ambition to be king. Holland, after numerous contentions, sank under the sovereignty of the Prince of Orange. Sparta and Venice are mentioned by

<sup>1</sup> "Il excelle à conduire un char dans la carrière."—RACINE. See also Bacon's *Essays*.

Machiavel as exceptions to the general rule. But Venice also bought her security dear; for it was only obtained by a custom of excluding from military command all her own citizens, and giving to strangers the richest prizes a state has to bestow. The method adopted by Sparta was somewhat similar to that of England, to which we shall now pass.

The executive power of England is placed nominally in the hands of an hereditary king. His powers are known and defined by law, and are therefore less liable to be exceeded than those of any extraordinary office not known to the Constitution. This was the argument most ably urged by Whitelocke and his coadjutors to the Protector Cromwell, to induce him to accept the title of king.<sup>1</sup> At the same time, the current of law, and the established reverence paid to majesty, form a complete bar to any great man who might wish to make himself absolute. So confirmed is public opinion, that a victorious general never dreams of overthrowing the liberties of his country. The Duke of Marlborough was dismissed from his command as easily as an ensign; and the Duke of Wellington returned from all his victories and pre-eminences to occupy an office of inferior importance in a cabinet which had not to boast either of singular popularity or commanding genius.

But whilst the king's prerogative forms on the one side an almost invincible barrier to the ambition of any subject who might wish to become sovereign of the state in which he was born a citizen, it is on the other side restricted by the general control of the people. Thus the king has, by his prerogative, the command of the army; but that army is only maintained by virtue of a law to punish mutiny and desertion, passed from year to year. The king has a right to declare war; but if the House of Commons denies supplies, he cannot carry it on for a week. The king may make a treaty of peace; but if it is dishonourable to the country, the ministers who signed it may be impeached. Nor is the king's personal command any excuse for a wrong administration of power. The Earl of Danby was impeached for a letter which contained a postscript in the king's own hand, declaring it was written by his order. The maxim of the Constitution

<sup>1</sup> See the conferences on this subject. They are to be found in the *Parliamentary History*.

is, that the king cannot act without advisers responsible by law; and so far is this maxim carried, that a commitment by the king, although he is the fountain of justice, was held to be void, because there was no minister responsible for it.

From the doctrine of the responsibility of ministers, it follows that they ought to enjoy the confidence of the Commons. Otherwise their measures will be thwarted, their promises will be distrusted; and, finding all their steps obstructed, their efforts will be directed to the overthrow of the Constitution. This actually happened in the reigns of Charles I. and Charles II. There was but one mode of preventing a recurrence of the evil. It was by giving to the king a revenue so limited, that he should always be obliged to assemble his parliament to carry on the ordinary expenses of his government. On this point, more important than any provision of the Bill of Rights, a warm contest took place at the Revolution in the House of Commons. The Tories, wishing to please the new king, argued, against all justice and reason, that the revenue which had been given to James for his life belonged *de jure* to William for his life. The Whigs successfully resisted this pretension; and passed a vote, granting £420,000 to the king, by monthly payments. The Commons soon afterwards had all the accounts of King James's reign laid before them. It appeared that his government, without any war, cost, on an average, £1,700,000 a year; a revenue of only £1,200,000 a year was given to William, with the expenses and debt of a formidable war to be provided for.

By this arrangement, the crown was made dependent on parliament ever after. Without even offering any advice, by a mere symptom of an intention to stop the supplies, the whole system of the king might be defeated, and his ministers dismissed from the council-board. Hence the House of Commons has the power to control most certainly and effectually the acts of the supreme magistrate. Whatever struggles have been made since, have been made within the House of Commons. Ambitious men, instead of attempting, according to their several views, to abolish the monarchy, or dispense with parliaments, have either sought to reach the king's closet through the favour of the people's representatives, or to serve the crown by corrupting that assembly

and poisoning the sources from which their authority was derived. But whatever may have been said of the prevalence of the latter of these methods of government, it is certain that, for some time after the Revolution, power was retained longest by those statesmen whose political principles were stamped by the approbation of their country. A friend of liberty was no longer forced to the alternative of defying the authority of his sovereign, or perishing by the axe of the executioner; the same sentiments which he had spoken to the people, he was able to repeat to the king; and the same measures which he had recommended as an individual member of parliament, he was afterwards empowered to propose as the adviser of his sovereign. Thus harmony was produced between the different, and hitherto jarring, parts of our constitution; while the means by which that harmony was attained gave, at the same time, a vent to emulation, liberty to the people, authority to parliament, a boundary to the ambition of political leaders, and stability to the throne. In this manner were the great principles of English liberty brought into action by the Revolution of 1688, whose authors, unambitious of the fame of founding a new form of government, obtained for the nation the full benefit of those venerable rights and liberties, for which their ancestors and themselves had toiled and suffered. This noble work, thus gloriously completed, was at once a lesson to the great to avoid oppression, and to the people to practise moderation.

We have now gone through the different parts of that form of government which some paradoxical men have had the conceit to undervalue. Those who have been shaken by nothing that they have read in history, and who still maintain that liberty cannot flourish under our barbarous and feudal monarchy, may yet, perhaps, be struck by the following passage from an impartial judge.

M. de Talleyrand, in speaking of America, after remarking the partiality which the Americans entertained for English maxims and manners, goes on thus: "Nor should one be astonished to find this assimilation towards England in a country, the distinguishing features of whose form of government, whether in the federal union, or in the separate states, are impressed with so strong a resemblance to the great



lineaments of the English constitution. Upon what does individual liberty rest at this day in America? Upon the same foundations as English liberty; upon the Habeas Corpus and the trial by jury. Assist at the sittings of Congress, and at those of the legislatures of the separate states; attend to the discussions in the framing of national laws: whence are taken their quotations, their analogies, their examples? From the English laws; from the customs of Great Britain; from the rules of parliament. Enter into the courts of justice: what authorities do they cite? The statutes, the judgments, the decisions of the English courts. To no purpose do the names of republic and of monarchy appear to place between the two governments distinctions which it is not allowable to confound: it is clear to every man who examines his ideas to the bottom, that in the representative constitution of England, there is something republican; as there is something monarchical in the executive power of the Americans."

LORD JOHN RUSSELL.

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